

Hickey - People - Cross 562

Q And you did that in this case?

A Yes, I did.

Q And then when you looked under the microscope, does it turn any color when you do that?

A It stains the sperm cell a specific shade, shading and specific color.

Q Now, when you dealt with the panties, you said you cut out a little spot and you used some chemicals on that?

A Yes.

Q What chemicals were those?

A It's called an AP test, acid phosphatase. That is an enzyme that's present in semen in very high concentrations and that's what we use as a screening test to test for the presence of semen.

Q Mr. Hickey, when you did your test, were you able to determine whose sperm or spermatozoa those substances were?

A No, I did not.

Q Are you familiar with DNA tests?

A Very slightly.

Q Was -- have you -- to your knowledge, was any DNA testing ever done on this -- on these materials?

MR. KESSLER: Objection.

1 Hickey - People - Redirect 563

2 THE COURT: Overruled.

3 A Not to my knowledge, no.

4 Q Spermatozoa, vaginal spermatozoa, how long
5 would the spermatozoa, if you know, stay in a female
6 where you can get a positive reaction to your test?

7 A The literature that we use states up to 72
8 hours.

9 Q And spermatozoa on panties, how long would be
10 sufficient that you would get a positive reaction?

11 A That I really can't give a definite answer,
12 but once it's there and it's dried, it stays there for
13 an extremely long time.

14 Q A few days, weeks?

15 A Years.

16 Q Years.

17 MR. SCHECHTER: I have nothing further.

18 THE COURT: Anything else?

19 REDIRECT EXAMINATION

20 BY MR. KESSLER:

21 Q With regards to spermatozoa, would it be fair
22 to say that washing a substance with a detergent over
23 and over again would make it less likely for you to see
24 spermatozoa?

25 MR. SCHECHTER: Objection, your Honor.

1 Hickey - People - Redirect 564

2 THE COURT: Sustained.

3 Q Well, you indicated on cross-examination that
4 spermatozoa can stay on a substance for a year or so?

5 A I've had cases well over a year that still
6 tested positive when examined.

7 Q With regards to -- strike that. When you say
8 you see spermatozoa, can you define that a little bit
9 more for me? What do you mean by seeing?

10 MR. SCHECHTER: Objection.

11 THE COURT: Overruled.

12 A The actual sperm cells itself.

13 Q You actually see the sperm cells?

14 A Yes.

15 MR. KESSLER: I have nothing else.

16 MR. SCHECHTER: Nothing further.

17 THE COURT: Okay. You can step down.

18 Do you have any other witnesses?

19 MR. KESSLER: Approach, your Honor?

20 (Whereupon, a discussion was held off
21 the record, at the side bar, among the Court,
22 defense counsel and the assistant district
23 attorney.)

24 THE COURT: Ladies and gentlemen, we're
25 going to recess until the Monday morning

Hickey - People - Redirect 565

9:30. Don't discuss this case among yourselves or with anyone else. Don't let anybody discuss the case with you or in your presence. Don't visit any of the locations you heard about during the course of the trial. Of course they may have changed and you might get the wrong impression if you go there without proper instruction.


Have a nice weekend and report on Monday morning 9:30 where the Court Officer tells you, not to the courtroom. See you then.

(Whereupon, the jury left the courtroom.)

(Whereupon, the trial was adjourned to July 1, 1996.)

* * *

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.


CATHERINE R. PARKER,
Official Court Reporter

Hickey - People - Redirect 566

I - N - D - E - X

	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
<u>FOR THE PEOPLE:</u>				
Guo Bang Liu	23	33	67	67
Jin Hao Liu	68	96		
Liu Yan Wu	126	156		
Jin Zhu Liu	178	196	209	212
Dr. Howard Kurtz	213	219		
Thomas Hickey	220	237	239	

E X H I B I T S

<u>No.</u>	<u>Id.</u>	<u>In Evid.</u>
<u>FOR THE PEOPLE:</u>		
1 - hospital records		93
2 - medical records		152
3 - rape kit	228	
4 - rape kit	228	

DEBRA DUNN
Official Court Reporter

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Proceedings

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THE CLERK: This is the case on trial, calendar number 4, indictment 3282 of '95, People versus Hai Guang Zheng. Let the record reflect the presence of the official Mandarin interpreter, Mr. Yi Wan.

For the record, sir, good morning. What is your name?

THE DEFENDANT: Hai Guang Zheng.

THE CLERK: Counsel, your appearances.

MR. SCHECTER: Donald Schecter, 10 Cutter Mill Road, Great Neck.

MR. KESSLER: Scott Kessler for the People.

THE COURT: You ready to proceed?

MR. SCHECTER: I just have one request for the District Attorney. I believe when we left here last week, up to then there was one police report that was left off the middle. I would ask the District Attorney if he made an inquiry and has any information concerning that.

MR. KESSLER: Judge, basically the detective was here. He looked through the paperwork. He has said there was an -- after

Proceedings

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2 or during there was a short additional DD5
3 that is lost. So we cannot obtain that DD5.
4 So it appears I would have to have a negative
5 inference drawn.

6 THE COURT: What?

7 MR. KESSLER: My understanding of the
8 law, your Honor, if I cannot turn over the
9 complete Rosario material, the Court has to
10 instruct the jury there was a piece of
11 paperwork missing regarding one of the
12 detectives and they can draw negative
13 inference based on the detective's testimony.

14 MR. SCHECTER: Your Honor, I don't know.
15 At this stage I don't know what sanctions I'm
16 going to ask for until after the detective
17 takes the witness stand. I'll see what he
18 says concerning it. I will then at that time
19 request the Court.

20 THE COURT: And I'll make a ruling.

21 MR. SCHECTER: Yes.

22 THE COURT: Other than that, is there
23 anything else?

24 MR. KESSLER: We are ready. He is the
25 first witness, your Honor.

Proceedings

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THE COURT: Bring the jury in.

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Who is your next witness?

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MR. KESSLER: Detective Greene.

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THE COURT: Spell it.

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MR. KESSLER: G-R-E-E-N-E.

7

THE COURT: Michael?

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MR. KESSLER: Yes.

9

THE COURT: Yes.

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(The jury entered the courtroom.)

11

THE CLERK: Case on trial continues

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indictment number 3282 of '95. Let the

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record the presence of defendant, defense

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attorney, official Mandarin interpreter,

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Assistant District Attorney, 12 regular and

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four alternate jurors.

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Do counsel waive the formal reading of

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the roll?

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MR. KESSLER: Yes.

20

MR. SCHECTER: Yes.

21

THE COURT: Call your next witness.

22

Good morning, ladies and gentlemen.

23

MR. KESSLER: People call Detective

24

Michael Greene. Your Honor, could I have one

25

second.

1 Greene - People - Direct 699

2 (Pause in the proceeding.)

3 M I C H A E L G R E E N E, Detective, a witness
4 called on behalf of the People, after
5 having been first duly sworn and having
6 stated his shield number as 2826 and his
7 command as the Major Case Squad, New York
8 City Police Department, took the witness
9 stand and testified as follows:

10 THE COURT: You may inquire.

11 MR. KESSLER: Thank you.

12 DIRECT EXAMINATION

13 BY MR. KESSLER:

14 Q Detective Greene, how long have you been a
15 member of the New York City Police Department?

16 A Going on 17 years.

17 Q How long have you been a detective?

18 A Since '89. About seven years.

19 Q Which specific division of the New York City
20 Police Department do you work?

21 A Major Case Squad.

22 Q Tell us briefly what the --

23 MR. SCHECTER: Objection.

24 THE COURT: Overruled.

25 Q What are the duties and responsibilities of

1 Greene - People - Direct 700

2 the Major Case Squad?

3 A Pretty much what the title of the squad --

4 MR. SCHECTER: Your Honor, could we have
5 a sidebar?

6 THE COURT: Sustained.

7 Just answer the question.

8 THE WITNESS: I'm sorry.

9 MR. SCHECTER: Your Honor, could we have
10 a sidebar for a minute?

11 (Sidebar discussion off the record.)

12 Q Detective, can you tell us the duties and
13 responsibilities of the division you work -- can you
14 tell us the duties and responsibilities of the Major
15 Case Division where you work?

16 A We handle city-wide cases, city-wide unit.
17 We handle cases such as major hijackings, kidnappings,
18 bank robberies, high profile cases that --

19 MR. SCHECTER: Objection, your Honor.

20 THE COURT: Sustained.

21 MR. SCHECTER: I ask it be stricken.

22 THE COURT: Strike. The jury will
23 disregard.

24 Q Have you ever handled a kidnapping prior to
25 April 1, 1995?

1 Greene - People - Direct 701

2 A Yes.

3 Q Now, directing your attention to April 1,
4 1995, were you assigned a specific kidnapping,
5 specifically the name of the operation, Nevada?

6 A Yes.

7 Q Tell us briefly why you used the name,
8 operation Nevada.

9 MR. SCHECTER: Objection. Why the term
10 Nevada --

11 THE COURT: Sustained.

12 Q Could you tell us briefly after you were
13 assigned this operation Nevada, what steps did the Major
14 Case Squad, specifically you, do in order to continue
15 your investigation?

16 A. Major Case's called in after the preliminary
17 investigation.

18 MR. SCHECTER: Objection to --

19 THE COURT: Sustained.

20 Just answer the question, please.

21 Q In this case what did you do?

22 A We took over the investigation. We ran the
23 investigation of the kidnapping.

24 MR. SCHECHTER: Objection to the term
25 "kidnapping."

1 Greene - People - Direct 702

2 THE COURT: Overruled.

3 Q What, if anything, did you or members of the
4 Major Case Squad do once you were assigned this
5 investigation to pursue this investigation?

6 A May I ask a question?

7 Q Just answer my question.

8 A We -- we -- the unit was called in. We
9 notified the other specialty units we needed to proceed
10 with the investigation of the case. We got the legal
11 documentations such as eavesdropping warrants --

12 MR. SCHECTER: Objection.

13 THE COURT: What is the objection?

14 MR. SCHECTER: Legal documentation.

15 THE COURT: Sustained as to the term
16 legal documentation.

17 Q Without telling us --

18 MR. SCHECTER: Your Honor, can we have a
19 sidebar?

20 (Sidebar discussion off the record.)

21 THE COURT: Overruled based upon the
22 sidebar.

23 MR. SCHECTER: Can I have just have one
24 moment, your Honor?

25 THE COURT: Sure.

1 Greene - People - Direct 703

2 MR. SCHECTER: Thank you.

3 THE COURT: Continue.

4 Q Detective, we were at the point you indicated
5 that the Major Case Squad was assigned this case and
6 obtained visiting tools, such as eavesdropping warrant.
7 Could you tell us specifically with regard to the
8 technical unit what assignments were made with regard to
9 the technical unit?

10 MR. SCHECTER: Objection, your Honor.

11 He is not part of the technical unit.

12 THE COURT: Sustained.

13 Q What, if anything, was done with the
14 documents you obtained?

15 A Again, we run the operation --

16 MR. SCHECTER: Objection to the term
17 "we."

18 THE COURT: Please just answer the
19 questions.

20 A Would you repeat --

21 Q Were you assigned the investigation?

22 A Yes, sir.

23 Q Were you -- were you the assigned officer in
24 terms of the investigation?

25 A Yes.

1 Greene - People - Direct 704

2 Q After you obtained the warrants, what steps
3 did you do in order for you to pursue this
4 investigation?

5 A I assigned teams and sent teams to cover
6 certain -- certain things that had to be covered.

7 MR. SCHECTER: Your Honor, can he speak
8 up a little.

9 THE COURT: Yes. There is a microphone
10 there.

11 A Teams were assigned to do certain things as
12 far as surveillance.

13 MR. SCHECTER: Objection to what
14 teams --

15 THE COURT: He said he assigned them.
16 Objection is overruled.

17 Q Go ahead.

18 A Teams were assigned to do certain particular
19 functions in the investigation such as surveillance,
20 tracking of telephone calls, things of that nature.

21 Q Now, specifically with the tracking of
22 telephone calls, how does the investigation track a
23 particular telephone call?

24 A There's particular tracking devices, mobile
25 devices set up in vans that pinpoint telephone waves to

Greene - People - Direct

705

2 certain locations throughout the city.

3 Q Now, with regard to monitoring telephone
4 calls, what is done to monitor telephone calls?

5 A Again, after securing proper paperwork,
6 surveillance devices, recording devices, are placed on
7 the resident phones for incoming calls to the residents.

8 Q Now, specifically in this case was there a
9 team assigned to try -- to a mobile unit with regard to
10 the phone calls that you mentioned?

11 MR. SCHECTER: Objection. What phone
12 calls were you talking about?

13 THE COURT: You want to be more
14 specific.

15 Q During your investigation did there come a
16 time that phone calls were being made to a certain
17 residence?

18 A Yes.

19 Q After phone calls were being made to the
20 certain residence, what steps did you take in your
21 investigation regarding the mobile unit you mentioned
22 earlier?

23 A As far as the residences is concerned?

24 Q I'm sorry?

25 A Are you referring to the residences?

1 Greene - People - Direct 706

2 Q Yes.

3 A There is surveillance -- surveillance
4 equipment, recording devices, and a resident team is set
5 up at the residence to monitor incoming calls reference
6 to the case.

7 Q And regarding the other team you mentioned
8 that would be in the field, what, if anything, was their
9 assignment?

10 A Well, once we had established a portable
11 phone, would be a cellular phone was being --

12 MR. SCHECTER: Objection. He is using
13 the term "we." We have to know what he did,
14 not what anyone else did.

15 THE COURT: Want me to make a ruling?
16 You want to keep talking?

17 May be just a quirk of the work as you
18 describe it, but you can't use the term we.
19 You have to state what you did.

20 Q Tell us, detective, did there come a time
21 that you ascertained that a cellular phone was being
22 used?

23 A Yes.

24 MR. SCHECTER: Objection to what he
25 ascertained. If he is not the one that did

1 Greene - People - Direct 707

2 that, it would be hearsay.

3 THE COURT: He asked him if he
4 personally ascertained.

5 Q Did there come a time you were -- you became
6 aware a cellular phone was being used?

7 A Yes.

8 MR. SCHECTER: Objection other than --

9 THE COURT: Overruled.

10 Q My question is, what steps did you take after
11 you became aware that a cellular phone was being used?

12 A A team was assigned to -- a mobile team was
13 assigned, sent out to pinpoint, try to pinpoint where
14 these calls were being made from, whether it was from a
15 car or whether a home location.

16 Q Did there come a point in time, detective,
17 that a drop of ransom money was going to be done in this
18 investigation?

19 A Yes.

20 Q Could you tell us what assignments were made
21 at that point in time, what you were and what every one
22 else was supposed to do?

23 MR. SCHECTER: Objection to what someone
24 else was supposed to do. Just what he was
25 supposed to do.

1 Greene - People - Direct 708

2 THE COURT: If he made the assignments I
3 will permit testimony.

4 A Assignments were made --

5 THE COURT: Did you make the
6 assignments?

7 THE WITNESS: Yes.

8 THE COURT: Okay.

9 A The assignments were made to send a team to
10 the drop location, teams to the drop location, for
11 surveillance. And also we still had a team out
12 monitoring the calls to see if we could pinpoint the
13 location where these telephone calls were coming from.

14 Q Now, were you in connection -- in contact
15 with both teams?

16 A Yes.

17 Q Now, detective, without telling us what was
18 said, did there come a point in time that you became
19 aware of the fact, from your drop team, that the drop of
20 the money had been made?

21 A Yes.

22 Q And did you have conversations with the team
23 regarding that? Without telling us what was said.

24 A Yes.

25 Q With regard to the mobile team that was out

1 Greene - People - Direct 709

2 in the field, do you know what county they were located
3 in?

4 MR. SCHECTER: Objection. Unless he was
5 there, your Honor, anything he was told would
6 be hearsay.

7 THE COURT: He said he was personally
8 aware of what county they were in. If he was
9 personally aware, he can testify.

10 MR. SCHECTER: Your Honor, unless he was
11 there -- the only way he was personally aware
12 if someone told him where there were --

13 THE COURT: There may be other ways
14 how --

15 MR. SCHECTER: The questions are being
16 phrased to get around the hearsay objection.
17 It's an improper way of doing --

18 MR. KESSLER: Judge, I will rephrase the
19 question.

20 THE COURT: Please.

21 Q Did you have a conversation with Detective
22 Banks?

23 A Yes.

24 Q What team was Detective Banks assigned?

25 A He was part of the surveillance team trying

1 Greene - People - Direct 711

2 have to do.

3 Q Now, Detective Greene, did there come a time
4 during this investigation that you proceeded to do a
5 lineup in connection with this case?

6 A Yes.

7 Q And do you recall at that time the subject of
8 the lineup? Who was the subject of the lineup?

S. A Hai Zheng.

10 Q Detective, do you recall the date of that
11 lineup?

12 A I believe it was early morning April 2nd.

13 Q Is this 1995?

14 A 1995.

15 Q Now detective, did you memorialize the lineup
16 in anyway?

17 A Yes, I took photos.

18 Q How did you do that?

19 A I took photos.

20 MR. KESSLER: Your Honor, could I have
21 this marked People's 3 and 4 for
22 identification?

23 THE COURT: We already have 3 and 4.

24 MR. KESSLER: 4 and 5.

25 THE COURT: 4 and 5 for identification.

1 Greene - People - Voir Dire/Defendant 712

2 MR. SCHECTER: 5 and 6, your Honor.

3 THE COURT: We have 3 and 4, so they
4 will be 5 and 6.

5 MR. KESSLER: 5 and 6.

6 (People's Exhibits 5 and 6 marked for
7 identification.)

8 Q Detective, I'm going to show you what has
9 been marked People's 5 and 6 and ask if you recognize
10 what that is?

11 A It's photos of the lineup I took.

12 Q Did you take those photographs?

13 A Yes.

14 Q Do they fairly and accurately depict what the
15 lineup looked like on April 2nd, 1995?

16 A Yes, they do.

17 MR. KESSLER: I ask they be moved into
18 evidence, your Honor.

19 THE COURT: Show them to defense
20 attorney.

21 MR. SCHECTER: Your Honor, could I have
22 a brief voir dire?

23 THE COURT: Yes.

24 VOIR DIRE BY

25 MR. SCHECTER:

1 Greene - People - Voir Dire/Defendant 713

2 Q Detective, do you know what time these
3 pictures were taken?

4 A Right before the lineup, so somewhere
5 around -- if I can refer to my notes?

6 THE COURT: If it will refresh your
7 recollection.

8 A Somewhere about 4:50. 4:50.

9 Q 4:50 in the morning?

10 A Yes.

11 Q Could you tell the members of the jury what
12 you're looking at?

13 A It's a lineup sheet that we use.

14 Q And were these pictures taken before or after
15 the lineup?

16 A Before.

17 Q And approximately how long prior to the
18 lineup were these pictures taken?

19 A Five minutes at the most.

20 Q Were there any other people in the lineup who
21 were not in these pictures?

22 A No.

23 MR. SCHECTER: I have no objection, your
24 Honor.

25 THE COURT: Mark them into evidence, 5

1 Greene - People - Direct 714

2 and 6.

3 (People's Exhibits 5 and 6 marked in
4 evidence.)

5 DIRECT EXAMINATION

6 BY MR. KESSLER:

7 Q Detective, I ask you to take a look at those
8 photographs for one moment. Could you tell me,
9 detective, number 5 in the lineup, who was number 5 in
10 the lineup?

11 A Who is number 5?

12 Q Yes.

13 A Hai Zheng.

14 Q Did you know the name of number 6 in the
15 lineup?

16 A Yes.

17 Q Who was number 6?

18 A Qin Zheng.

19 Q In regards to numbers 5 and 6, did you take
20 it or did someone in your office take individual photos
21 of those people?

22 A I believe I took the individual photos.

23 MR. KESSLER: Your Honor, could I have
24 these marked as 6 and 7 now?

25 THE COURT: 7 and 8.

1 Greene - People - Voir Dire/Defendant 715

2 (People's Exhibits 7 and 8 marked for
3 identification.)

4 Q Detective, I'm going to ask you to take a
5 look at what has been marked exhibits 7 and 8 and ask if
6 you recognize what that is.

7 A They're the photos I took that morning.

8 Q And who, if anyone, is depicted in number 7?

9 A Hai Zheng.

10 Q And who, if anyone, is depicted in number 8?

11 A Qin Zheng is.

12 Q Do those photographs fairly and accurately
13 depict what Hai Zheng and Qin Zheng appeared like on
14 April 2nd, 1995?

15 A They do.

16 MR. KESSLER: Move them into evidence at
17 this time, your Honor.

18 THE COURT: Show them to defense
19 attorney.

20 MR. SCHECTER: May I have a voir dire,
21 your Honor?

22 THE COURT: Yes.

23 VOIR DIRE BY

24 MR. SCHECTER:

25 Q Detective, what time were these pictures

1 Greene - People - Direct 716

2 taken? Were they taken the same time the other pictures
3 were taken?

4 A Yes.

5 Q Did you take any other individual pictures?

6 A I don't remember.

7 Q Would there be anywhere you make notations if
8 you took any other individual pictures?

9 A No.

10 Q Would that be any notation of how many
11 pictures you took total --

12 MR. KESSLER: Objection. Beyond the
13 scope of voir dire.

14 THE COURT: Sustained. That's not voir
15 dire.

16 MR. SCHECTER: I have no objection.

17 THE COURT: If there be no objection, 7
18 and 8 are now marked in evidence.

19 (People's Exhibits 7 and 8 marked in
20 evidence.)

21 DIRECT EXAMINATION

22 BY MR. KESSLER:

23 Q Detective, did you get an opportunity to look
24 at both Hai Zheng and Qin Zheng on April 2nd, 1995?

25 A Yes.

1 Greene - People - Cross 717

2 Q In your opinion, detective, who appeared to
3 you to be the taller of the individuals?

4 MR. SCHECTER: Objection.

5 THE COURT: Well, sustained.

6 Q You saw both individuals, correct?

7 A Correct.

8 Q Who was taller?

9 MR. SCHECTER: Objection.

10 THE COURT: Overruled.

11 A Hai Zheng.

12 Q That person you said was taller Hai Zheng, do
13 you see that person in the courtroom today?

14 A Yes.

15 Q Point him out. Describe an article of
16 clothing he is wearing.

17 A Blue, green, and white striped shirt.

18 THE COURT: Indicating the defendant.

19 MR. KESSLER: I have nothing further.

20 CROSS EXAMINATION

21 BY MR. SCHECTER:

22 Q Detective, did you make any notes or
23 memoranda concerning this investigation?

24 A I'm sorry?

25 Q Did you make any notes or memoranda

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Proceedings

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concerning this investigation?

A Memorandum?

Q Notes, memorandum DD5, police reports?

A As far as the case is concerned?

Q Yes.

A Yes.

Q Were you the one who coordinated the entire investigation?

A Yes.

Q You have your file with you?

A Yes.

Q Can I see your file?

A Excuse me?

Q Can I see your file?

A Yes.

MR. SCHECTER: Your Honor, can we approach for one moment?

(Sidebar discussion off the record.)

THE COURT: We will take a short recess. Ladies and gentlemen, don't discuss the case among yourselves or anyone else. Don't let anybody discuss the case with you in your presence.

(The jury left the courtroom.)

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THE COURT: The jury has left.

MR. SCHECTER: Your Honor, could I have the case --

MR. KESSLER: I'm going to object to him taking any case file. There is no ruling in the law that says he's entitled to the case file. I have turned over my obligations under Rosario.

THE COURT: If there's anything specific you want in that file, I will make a ruling on it.

MR. SCHECTER: Your Honor, I can't know what I want, what I haven't been turned over, unless I look through it to make a determination.

THE COURT: His testimony here, which is the subject of your cross examination, has been very limited. If you want to see things that are the basis of his testimony here, I would permit to you look through it, but if --

MR. SCHECTER: I will give you an example, your Honor. The District Attorney never asked the detective whether he ever had

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Proceedings

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any conversations or did any interviews with
any of the complaining witnesses.

THE COURT: Do you want to ask him that?

MR. SCHECTER: Your Honor, if there are
DD5s in his case file from the complaining
witnesses, then I'm entitled to them, and I
can ask him about that. That doesn't mean --

THE COURT: I would assume he turned
them over to you. That would be Rosario
material.

MR. SCHECTER: Your Honor, he is the one
making the determination he turned over all
Rosario material. If I don't look through
the file, I can't make that determination.

THE COURT: I'm going to let him look
through the file or else we'll be here for
another month. Let him see it.

THE WITNESS: Everything, Judge?

THE COURT: Give him everything. Search
for the truth.

(The entire file handed over to defense
counsel.)

MR. SCHECTER: You want to put the
defendant back in?

Proceedings

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THE COURT: You want five minutes?

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MR. SCHECTER: If I may.

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THE COURT: When you reach five minutes,
if you want more than five minutes, let me
know.

6

7

You can step down.

8

(The witness left the witness stand.)

9

10

THE COURT: Put the defendant in. Don't
send him downstairs.

11

(A recess was taken.)

12

THE CLERK: Case on trial continued.

13

14

Let the record reflect the presence of

15

defendant, defense attorney, official

16

Mandarin interpreter, and the Assistant

17

District Attorney, outside the presence of

any sworn jurors at this time.

18

Are there any applications?

19

MR. SCHECTER: No.

20

(The witness retook the witness stand.)

21

22

THE COURT: You read the file you wanted
to peruse?

23

MR. SCHECTER: Yes.

24

THE COURT: Are you ready to proceed?

25

MR. SCHECTER: Yes.

1 Greene - People - Cross 722

2 (The jury entered the courtroom.)

3 THE CLERK: Case on trial continues.

4 Let the record the presence of defendant,
5 defense attorney, official Mandarin
6 interpreter, Assistant District Attorney, 12
7 regular and four alternate jurors, all
8 present and properly seated.

9 Do counsel waive the formal reading of
10 the roll?

11 MR. SCHECTER: So waived.

12 THE CLERK: Detective, you are reminded
13 you were previously sworn this morning.
14 You're still under oath. Do you understand
15 that?

16 THE WITNESS: Yes.

17 THE COURT: You may proceed.

18 CROSS EXAMINATION

19 BY MR. SCHECHTER:

20 Q Detective, I'm going to return you to your
21 file. Detective, on April 1st what was your shift
22 assignment on that date?

23 A Because of the case, we were called in.
24 There wasn't necessarily a regular tour assigned.

25 Q Were you supposed to work that day?

1 Greene - People - Cross

723

2 A I don't remember what day of the week April

3 1st was. I'm not sure.

4 Q Do you work a steady tour?

5 A Yes.

6 MR. SCHECTER: Would the District
7 Attorney stipulate April 1st, 1995 was a
8 Saturday?

9 MR. KESSLER: Sure, okay. That's good.

10 Q Were you scheduled to work on that Saturday;
11 if you know?

12 A I don't think so.

13 Q What time was the first time that you
14 received a phone call asking or ordering you to come in
15 to work?

16 A I don't remember. It was early that day.
17 Early that morning.

18 Q Do you keep a memo book?

19 A Yes.

20 Q Do you have your memo book with you?

21 A No.

22 Q Is it part of your case file?

23 A No.

24 MR. SCHECTER: Your Honor, please could
25 I have a sidebar?

1 Banks - People - Direct 724

2 (Sidebar discussion off the record.)

3 THE COURT: We will recess this
4 witness's testimony until he produces his
5 memo book.

6 You can step down.

7 THE WITNESS: Thank you, your Honor.

8 THE COURT: Call your next witness.

9 MR. KESSLER: People call Detective
10 Keith Ng -- I'm sorry. The People call
11 Detective Steven Banks. He is outside.
12 Judge, could I have just one moment.

13 (Pause in the proceeding.)

14 S T E V E N B A N K S, Detective, a witness
15 called on behalf of the People, after
16 having been first duly sworn and having
17 stated his shield number as 4184 and his
18 command as the Major Case Squad, New York
19 City Police Department, took the witness
20 stand and testified as follows:

21 THE COURT: You may inquire.

22 MR. KESSLER: Thank you.

23 DIRECT EXAMINATION

24 BY MR. KESSLER:

25 Q Detective Banks, how long have you been

1 Banks - People - Direct 725

2 working for the New York City Police Department?

3 A 16 years.

4 Q How long have you been a detective in the New
5 York City Police Department?

6 A Since 1990, six years.

7 Q And specifically the Major Case Squad you're
8 presently assigned, how long do you work there for?

9 A Three years.

10 Q Directing your attention to April 1st, 1995.
11 Were you working on an investigation on that date?

12 A Yes, I was.

13 Q Was also Detective Michael Greene assigned
14 that investigation?

15 A Yes, he was.

16 Q Could you tell us, detective, specifically
17 the investigation you were assigned on April 1st, 1995,
18 what, if anything, was your assignment regarding that
19 investigation?

20 A I was assigned to assist Detective Greene in
21 the abduction of a male and two females. Two females
22 were being held for ransom. On the night of April 1st
23 at approximately 9:00 p.m. I was in 1 Police Plaza in
24 Manhattan, downtown Manhattan, main office of the Major
25 Case Squad. And I was dispatched to go to an address in

1 Banks - People - Direct 726

2 Queens to do a surveillance on the location.

3 Q Now, do you recall that location in Queens
4 you were dispatched to?

5 A Yes.

6 THE WITNESS: If I can refresh my
7 memory, your Honor --

8 THE COURT: Yes.

9 THE WITNESS: -- with the voucher?

10 THE COURT: Refresh your memory.

11 A It was 133-34 59th Avenue.

12 Q In what section is that in?

13 A That's in Flushing, Queens.

14 MR. SCHECTER: Your Honor, I would ask
15 the detective what he was using to refresh
16 his recollection?

17 THE WITNESS: That was one of the
18 vouchers I had prepared.

19 Q And who was it that sent to you that
20 particular location?

21 A I was sent there by my supervisor, Lieutenant
22 Tartaglia.

23 Q Now, could you tell us were you in that
24 vicinity at about 12 o'clock that night?

25 A Yes, I was.

1 Banks - People - Direct 727

2 Q Could you tell the members of the grand
3 jury --

4 THE COURT: This is a regular jury.

5 Q I'm sorry. Could you tell the members of the
6 jury approximately what you saw at that time at that
7 location?

8 A About 12:05 a.m. into the, just into the
9 morning of April 2nd, I observed two male and two female
10 Asians walking from a house. And they entered a car.
11 The two males got into the front of -- the two front
12 seats of the car. The two females got into the rear
13 seats of the auto.

14 Q After -- where did you first see these two
15 men and two women?

16 A I observed them as they were walking and just
17 about got to the sidewalk from the house. The house is
18 set back from the sidewalk. Residential neighborhood.

19 Q And describe what happened as they entered
20 this auto.

21 A As I said, they entered an auto that I had
22 been having -- had under observation from 10 o'clock.
23 Two males entered the front of the auto; one in the
24 driver's seat, one in the passenger seat. The two
25 females entered the rear; one on the driver's side, one

1 Banks - People - Direct 728

2 on the passenger side.

3 Q After they entered the car, what steps did
4 you take next?

5 A The car pulled off -- it's a one-way street
6 going westbound. The car pulled from the curb. We
7 followed the car for approximately five or six blocks.

8 Q Were you in a marked patrol car or --

9 A I was in an unmarked, which is the Crown
10 Victoria with tinted windows.

11 Q Were you in uniform or plainclothes?

12 A Plainclothes.

13 Q Approximately how far did you follow this car
14 for?

15 A About five or six blocks.

16 Q What happened during that five or six blocks?

17 A We just kept the car under observation. It
18 got to the corner of College Point Boulevard and Horace
19 Harding Expressway. It was on Horace Harding
20 Expressway, the service road of the Long Island
21 Expressway at College Point Boulevard, in the right-hand
22 lane when it stopped at a red traffic light.

23 Q Could you see into their car from where you
24 were?

25 A What happened was my partner was driving. I

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Banks - People - Direct

729

was in the front passenger seat. We pulled alongside their car. I was even with the rear seat when my partner stopped the car. I observed two females sitting in the back seat of the car. The two females I observed were the two kidnap victims we were investigating.

Q How did you know they were the kidnap --

MR. SCHECHTER: Objection.

MR. KESSLER: I'm sorry?

THE COURT: He objected to the term kidnapping.

Q The two women you saw, have you ever seen them or pictures of them before?

A Yes, I had.

Q Could you tell us the circumstances of that?

A I had Polaroid photographs of them in my possession at that time.

Q Do you know where those Polaroid photos came from?

MR. SCHECHTER: Objection.

THE COURT: Overruled.

A Detective Greene supplied me with them.

Q Now, once you observed the two women in the car were the same two you had the two Polaroid photos of, what steps did you take next?

1 Banks - People - Direct 730

2 A My partner, Detective Matt Kelly, was
3 driving. Pulled our car directly in front of their car.
4 The light was still red. I exited the passenger door.
5 My partner exited the driver's door. We approached the
6 auto and placed the two males under arrest.

7 Q The two males that you placed under arrest,
8 do you know their names?

9 A Yes, I do.

10 THE WITNESS: If I can again refresh my
11 memory, your Honor?

12 THE COURT: You can refresh your
13 recollection. Just tell us --

14 THE WITNESS: Yes, it's from the
15 vouchers I prepared, your Honor. It's
16 Mr. Hai Zheng.

17 MR. SCHECTER: Your Honor, I'm going to
18 object. He is reading from something.

19 THE COURT: All right. Sustained.

20 Don't read. If you're refreshing your
21 recollection, refresh your recollection and
22 then testify.

23 A That's Mr. Hai Zheng and Mr. Qin Zheng.

24 Q Who was driving?

25 A Mr. Hai Zheng.

1 Banks - People - Direct 731

2 Q Was there anything in front of the automobile
3 after you stopped it?

4 A No. Other than our car, no.

5 Q In their car was there anything in the front
6 of their car, any property?

7 A Oh, I'm sorry. I thought you meant in front
8 of their auto. When we took them out of the car, I
9 recovered a cellular telephone on the front passenger
10 floor of their auto.

11 Q And that cellular telephone you recovered
12 from the front passenger side of their auto, did you
13 give that a particular voucher number?

14 A Yes, I did.

15 Q And do you remember it by heart or do you
16 have to use something to refresh your recollection?

17 THE WITNESS: If I can take a copy of
18 the voucher again.

19 THE COURT: You can refresh your
20 recollection.

21 A Yes, I do.

22 Q Does that refresh your memory as to that?

23 A Yes, I do.

24 Q What voucher number is that?

25 A That's F as in Frank 877805.

1 Banks - People - Direct 732

2 MR. KESSLER: Can I have this marked
3 again People's 9.

4 THE COURT: People's 9. Mark that
5 People's 9 for identification.

6 (People's Exhibit 9 marked for
7 identification.)

8 Q Detective, I'm going to ask you to take a
9 look -- open up People's number 9.

10 Detective, do you recognize what People's number 9
11 is?

12 A Yes, I do.

13 Q What do you recognize that to be?

14 A I recognize this to be the cellar phone I
15 recovered on the night of, or the morning of, April 2nd
16 from the defendant's auto at Horace Harding Expressway.
17 And I vouchered it.

18 Q How do you know that's the same telephone?

19 A I had vouchered it, sealed the bag. And
20 beside recognizing the phone, I recognize the similar
21 voucher number in the sealed envelope.

22 Q You say the same voucher number. In the New
23 York City Police Department is each voucher number
24 distinct?

25 A Yes, they are.

1 Banks - People - Voir Dire/Defendant 733

2 Q How did you -- when was the next time you saw
3 that cellular phone you identified?

4 A When I removed it from the property clerk
5 last Thursday afternoon.

6 Q When you went to the property clerk, what
7 voucher number did you ask for?

8 A Was the same one I had vouchered it under.

9 Q Is that phone in the same or substantially
10 the same condition now as it was at the time you
11 vouchered it?

12 A Yes, it is.

13 MR. KESSLER: I'd ask People's 9 be
14 moved into evidence.

15 (Shown to defense counsel.)

16 MR. SCHECTER: May I have a brief voir
17 dire?

18 THE COURT: Yes.

19 VOIR DIRE BY

20 MR. SCHECTER:

21 Q Detective, did you make any markings on the
22 phone itself?

23 A Yes, I believe I initialed it.

24 Q Can you show me where, if you can
25 determine --

1 Banks - People - Voir Dire/Defendant 734

2 A Not unless it's opened. It's on the inside
3 flap of the phone.

4 (The detective opened the bag.)

5 A I'm sorry, counselor. It's on the outside of
6 the phone on -- it's on the side carved in, S.B.

7 Q Detective, do you know when you made that
8 marking?

9 A Yes, when I vouchered it.

10 Q And what time was that?

11 A Sometime the early morning of the 2nd of
12 April.

13 Q Did you -- when you originally discovered
14 that phone in the vehicle, what did you do with it?

15 A Put it in my pocket.

16 Q Did there come a time -- between the time
17 that you vouchered it at the property clerk and the
18 time -- from the original time, did you ever recover any
19 other phones?

20 A Yes, I did.

21 Q Where did you put them?

22 MR. KESSLER: Objection. Beyond the
23 scope.

24 THE COURT: Sustained. That's not a
25 voir dire.

1 Banks - People - Direct 735

2 MR. SCHECTER: Your Honor, could I have
3 just one moment?

4 Q And the voucher, detective, the voucher that
5 you were referring to originally, when did you prepare
6 that voucher?

7 A When I vouchered it the early morning hours
8 of April 2nd.

9 MR. SCHECTER: Your Honor, I would
10 object to it. I don't believe there's been
11 enough to link it at this stage.

12 THE COURT: Overruled. Mark it in
13 evidence. It will People's 9.

14 (People's Exhibit 9 marked in evidence.)

15 DIRECT EXAMINATION (Continued)

16 BY MR. KESSLER:

17 Q Now, detective, when you were at the scene
18 did you have a cellular phone?

19 THE COURT: What scene are you talking
20 about?

21 MR. KESSLER: At Horace Harding
22 Expressway.

23 Q Did you have a cellular phone of your own?

24 A Yes, I did.

25 Q And were you in contact with anyone while you

1 Banks - People - Direct 736

2 were on Horace Harding Expressway?

3 A Yes, I was.

4 Q Who were you in contact with?

5 A I called my office in One Police Plaza in
6 Manhattan. And I spoke to an Asian speaking
7 detective -- actually it was a police officer, I'm
8 sorry, from the Port Authority Police Department that
9 was in my office.

10 Q What was the purpose of you contacting the
11 Asian port authority officer?

12 MR. SCHECTER: Objection.

13 THE COURT: Overruled.

14 A The two women didn't speak English. I wanted
15 to be able to speak to them. I called the Asian officer
16 at my office to act as interpreter.

17 MR. SCHECTER: Objection to what he
18 wanted.

19 THE COURT: Sustained.

20 Q Without telling us what was said, did you use
21 the person from the port authority as an interpreter for
22 the two of them?

23 A Yes, I did.

24 Q After that conversation where did you go
25 next?

1 Banks - People - Direct 737

2 A I went back to the location of 59th Avenue,
3 134th Street.

4 Q When you got back to that location, what, if
5 anything, did you do when you got there?

6 A I spoke to the landlord who lived in the
7 upstairs of the house.

8 Q And after the conversation with the landlord,
9 where did you go?

10 A I entered the side entrance which led to the
11 basement apartment.

12 Q Once inside the basement apartment, what, if
13 anything, did you observe?

14 A There was a two -- it was a two-bedroom
15 apartment. I observed in the one bedroom a mattress on
16 the floor. On the floor of the mattress I observed an
17 automatic handgun and three cellular phones.

18 Q With regard to the automatic handgun, what,
19 if anything, did you do with that?

20 A I vouchered it later on at the Major Case
21 Squad office.

22 Q The handgun, do you have that with you today?

23 A Yes, I do.

24 MR. KESSLER: Could we have that marked?

25 THE COURT: People's 10 for

1 Banks - People - Direct 738

2 identification.

3 (People's Exhibit 10 marked for
4 identification.)

5 Q Detective, I'm going to hand you what has
6 been marked People's 10 for identification. Do you
7 recognize what that is?

8 A Yes, I do.

9 Q What do you recognize that to be?

10 A I recognize this to be the handgun I
11 recovered from the basement apartment on 59th Avenue on
12 April 2nd.

13 Q At the time you recovered the handgun it was
14 loaded or unloaded?

15 A It was loaded. There were six rounds in the
16 clip. The clip was in the gun.

17 Q What, if anything, did you do with the gun --
18 strike that.

19 What, if anything, did you do with the clip and the
20 ammo when you vouchered it?

21 A I removed the clip from the gun. Later on
22 that night I vouchered both.

23 Q On either the clip or the gun did you
24 anywhere indicate your initials?

25 A No, I did not.

Banks - People - Direct

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Q On the clip itself did you put your initials?

A Yes, I did.

Q With regard to the gun itself, did you
voucher that under a particular voucher number?

A Yes, I did.

Q Tell us if you have to refer to your notes.
The voucher number you vouchered the handgun under --

A F as in Frank 881238.

Q And regarding the clip and the ammunition,
you vouchered that under a particular voucher number?

A Yes, I did.

Q What voucher number was that?

A That was F as in Frank 881239.

Q The clip, the ammunition, and the gun that is
in -- has been marked for identification as People's 10,
other than those two other papers that are attached to
that, are the handgun, the clip, and bullets, in the
same or substantially the same condition now as the time
you vouchered it?

A Yes, they are.

MR. KESSLER: Your Honor, at this time
I'd ask the gun, the clip, and the ammunition
be introduced into evidence.

THE COURT: Show it to counsel.

1 Banks - People - Voir Dire/Defendant 740

2 (Shown to defense counsel.)

3 MR. SCHECTER: Your Honor, could I have
4 a brief voir dire?

5 THE COURT: Yes.

6 VOIR DIRE BY

7 MR. SCHECTER:

8 Q Detective, did you mark anything on the gun
9 itself?

10 A No, I did not.

11 Q The only thing you marked was on the clip?

12 A On the clip and the rounds itself.

13 Q Now, do you know what time you recovered that
14 weapon?

15 A Approximately -- no, I guess between 12:30
16 and 1:00 a.m.

17 Q Did you -- did you put in any papers marking
18 where it was recovered?

19 A No, I did not.

20 Q Did you have -- did you just put it in your
21 pocket?

22 A No, I did not.

23 Q Where did you put it?

24 A I unloaded it. I put the clip in my pocket.
25 I put the gun in my waistband.

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Proceedings

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Q What?

A Waistband.

Q And you had it in your waistband until you
vouchered it?

A That's correct.

MR. SCHECTER: Your Honor, could I
have a sidebar? I have an objection to it.
I would like to go on the record prior to it
being introduced.

(The following proceeding occurred at
sidebar.)

MR. SCHECTER: Your Honor, I'm objecting
to this weapon as being an uncharged crime,
the reason being as follows. The only count
in the indictment charges my client with
possession with intent to use unlawfully
against another person. There's been no
connection of this gun to my client. There's
been no testimony it was ever shown to either
of the complaining witnesses at the time that
it was recovered to show that it was the same
gun that he used, which will show that
possession with intent to use -- or it was
the gun that was used in any of the

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Proceedings 742

kidnapping related incidents -- that would show this was the gun.

Secondly, your Honor, there's been no testimony from any of the women at this trial they have used the gun in saying this was the same gun that was used to quote, terrorize them, or hold them hostage or whatever.

MR. KESSLER: Judge --

MR. SCHECTER: Thirdly, your Honor, he says he went into some basement apartment. He went into some apartment. There's been no testimony linking my client to that apartment. The women said they did not see where any police officers went. There's been no testimony he was directed to go into that apartment by any of the women, your Honor.

As such, in the totality, there's been no link of this by any of the complaining witnesses to my client. Yes, I would say a gun was recovered in a basement apartment. He's not being charged with possession. He's been charged with possession with intent to use. And it would have to be some link of it from any of the complaining witnesses linking

Proceedings

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2 him to this weapon, or the co-defendant to
3 this weapon, which has not been done in this
4 case.

5 MR. KESSLER: We have shown that, one,
6 the gun was used during the abduction. Two,
7 the gun was used and used against them
8 during -- in the apartment in the basement
9 they were held. The witnesses testified they
10 brought the police back to the basement
11 apartment where they were being held. This
12 gun is found in the basement apartment.
13 Circumstantially this jury can infer this was
14 the gun being used to terrorize these people.

15 Mr. Schecter can argue regarding the gun
16 that someone else planted it thereafter.
17 That's an argument he can present. But I
18 think inferentially, based upon all the
19 evidence, the jury can infer that was one of
20 the guns used during the abduction and/or
21 during the kidnapping.

22 THE COURT: I'm going to overrule the
23 objection.

24 MR. SCHECTER: I respectfully except.

25 (The following proceeding took place in

1 Banks - People - Direct 744

2 open court.)

3 THE COURT: Your objection is overruled.

4 Mark People's 10 in evidence.

5 (People's Exhibit 10 marked in
6 evidence.)

7 DIRECT EXAMINATION

8 BY MR. KESSLER:

9 Q Detective, while you were inside that
10 basement apartment, other than the handgun you testified
11 that you recovered, did you recover any other property?

12 A Yes, I did.

13 Q What else did you recover inside the
14 premises?

15 A Three additional cellular phones.

16 Q Tell us where they were.

17 A They were lying on the bed, the mattress,
18 along with the gun.

19 Q Did you -- what did you do with the three
20 cellular phones you saw in the house?

21 A I vouchered them also.

22 Q Did you voucher this under a particular
23 voucher number?

24 A Yes, I did.

25 Q Could you tell us what number that was?

1 Banks - People - Direct 745

2 A F as in Frank 877804.

3 MR. KESSLER: Your Honor, could I have
4 this marked People's 11.

5 THE COURT: Mark People's 11 for
6 identification.

7 (People's Exhibit 11 marked for
8 identification.)

9 Q Detective, I'm going to hand you what has
10 been marked People's number 11 for identification and
11 ask if you recognize what that is?

12 A Yes, I do.

13 Q What do you recognize that to be?

14 A I recognize this to be the three cellular
15 phones recovered from the basement apartment on 59th
16 Avenue on April 2nd and vouchered back in my office
17 sometime later that morning.

18 Q After you vouchered them, when was the next
19 time you saw them?

20 A When I took them out of the property clerk's
21 office last Thursday morning.

22 Q Is there a particular voucher number you
23 vouchered them under?

24 A Yes, there was.

25 Q What voucher number was that?

1 Banks - People - Voir Dire/Defendant 746

2 A F as in Frank 877804.

3 Q When you went to the property clerk's, what
4 voucher number did you give them?

5 A The same voucher number.

6 Q What, if anything, did they supply you?

7 A Same cellular phones they were vouchered
8 under.

9 Q Are they in the same, substantially the same
10 condition, now they were then at the time you vouchered
11 them?

12 A They appear to be, yes.

13 MR. KESSLER: I ask People's 11 be
14 marked in evidence.

15 (Shown to counsel.)

16 VOIR DIRE BY

17 MR. SCHECTER:

18 Q Detective, did you make any markings on
19 this -- on these phones?

20 A No, I did not.

21 Q What did you do with these phones when you
22 recovered them?

23 A I carried them out in my hands to the car,
24 carried them to 1 Police Plaza, and vouchered them.

25 Q Were you the driver of your vehicle?

1 Banks - People - Voir Dire/Defendant 747

2 A No, I wasn't.

3 Q So they were always in your hands?

4 A Or sitting next to me on the seat. That's
5 correct.

6 Q On one of the phones there is a number. Was
7 this on the phone like that?

8 A No, it was not.

9 Q Did you put this paper on the phone?

10 A No, I did not.

11 Q Do you have any idea how this number got
12 there?

13 A Yes, I do. When I got back to 1 Police --

14 THE COURT: The answer is yes you do?

15 THE WITNESS: Yes, I do.

16 MR. SCHECTER: Your Honor, I would have
17 no objection, but if it's shown to the jury
18 that this piece of paper would be withdrawn,
19 as it was not part of the original vouchering
20 of the phone.

21 THE COURT: Let me see that. Give it to
22 the court officer.

23 Well, I will admit it into evidence
24 without that number.

25 MR. SCHECTER: Okay.

1 Banks - People - Direct 748

2 THE COURT: That is not included in the
3 evidence.

4 There being no objection other than
5 that, People's 11 is now in evidence, the
6 three cellular phones.

7 (People's Exhibit 11 marked in
8 evidence.)

9 DIRECT EXAMINATION

10 BY MR. KESSLER:

11 Q Detective, did you recover any other gun on
12 the day of April 2, 1995 other than the one that's been
13 marked in evidence?

14 A No, I did not.

15 Q Did you recover any other phones other than
16 the one that's been marked in evidence?

17 A No, I did not.

18 Q Did you arrest any other people on that day
19 other than the two people that you say you stooped in
20 the automobile?

21 A No, I did not.

22 MR. SCHECTER: Objection.

23 THE COURT: Overruled.

24 I assume you mean pertaining to this
25 case.

1 Banks - People - Direct 749

2 Q I'm saying any case on April 2nd. Did you
3 make any other arrest?

4 A No, I did not.

5 Q When you stopped the car could you tell us
6 were the women kept with the two men you stopped or
7 separated?

8 A They were in the rear seat, both. One was in
9 the rear passenger -- one was behind the passenger. One
10 was behind the driver. Both females were in the rear
11 seat.

12 Q That's not my question.

13 MR. KESSLER: Move to strike.

14 A I'm sorry.

15 Q My question is, after you stopped the car,
16 what did you do with the women? What did you do with
17 the men?

18 A The women were placed in my car. The two
19 arrested defendants were placed in separate police cars.

20 MR. KESSLER: Can I have just ask the
21 witness be shown what is in evidence as 7, 6
22 and 7.

23 (Shown to witness.)

24 Q Detective, do you recognize what is depicted
25 in number 6 and 7?

1 Banks - People - Direct 750

2 A Yes, I do.

3 Q What do you recognize that to be?

4 A I recognize it to be the lineup that was
5 conducted on the 2nd of April.

6 MR. KESSLER: Have him shown People's 5
7 and 6.

8 COURT OFFICER: Did you want 5 and 6 and
9 7 and 8?

10 MR. KESSLER: I think it would be the
11 other --

12 THE COURT: 6 and 7 are separate.

13 MR. KESSLER: Can I have the number on
14 this one -- 7 and 8.

15 (People's Exhibits 7 and 8 shown to
16 witness.)

17 Q Detective, do you recognize what is depicted
18 in number 7 and 8 that's been marked in evidence?

19 A Yes, I do.

20 Q What do you recognize them to be?

21 A Exhibit 7, I recognize a polaroid photo of
22 the driver of the auto I arrested on that night. And --

23 Q Do you know the name of the driver?

24 A Excuse me?

25 Q The name of the driver?

1 Banks - People - Direct 751

2 A Yes, Mr. Zheng.

3 Q Do you know his first name?

4 A Yes, I do.

5 MR. KESSLER: Your Honor, if I can,

6 Mr. Hai Zheng.

7 Q Now, you pointed at an individual and
8 indicated he was the driver. Could you just describe an
9 article of clothing the person you just previously
10 pointed --

11 A He is wearing -- sitting at defense table
12 wearing a green, white, and blue striped shirt.

13 THE COURT: Indicating the defendant.

14 Q After you arrested the defendant Hai Zheng
15 behind the wheel of the automobile, what happened to him
16 next?

17 A He was placed in one of the police cars that
18 were on the scene, one of the unmarked cars. After I
19 spoke to the victims via the translator, we responded
20 back to the address on 134th Street and 59th Avenue.

21 MR. SCHECTER: Your Honor, I'm going to
22 object to this. Asked and answered already
23 before.

24 THE COURT: Overruled.

25 Q What, if anything, happened to the defendant

1 Banks - People - Cross 752

2 Hai Zheng whom you say appeared behind the wheel of the
3 auto?

4 A He was -- he was in one of the police cars,
5 unmarked cars. He was also brought back to the scene of
6 the apartment and then taken to 1 Police Plaza.

7 Q Regarding the other individual that you
8 arrested who was not the driver, Qin Zheng, what, if
9 anything, happened to him?

10 A He also was placed in a separate unmarked
11 car, brought back to 59th Avenue and taken back to 1
12 Police Plaza.

13 Q Detective, to your knowledge were those the
14 only two people arrested in connection with this case?

15 A To my knowledge, yes, they were.

16 MR. KESSLER: I have nothing further for
17 this witness.

18 THE COURT: Cross examination.

19 CROSS EXAMINATION

20 BY MR. SCHECTER:

21 Q Detective Banks, you were referring to
22 paperwork that you prepared. Did you prepare any notes
23 or memorandum in connection with this incident?

24 A Notes, no.

25 Q Memorandum?

Banks - People - Cross

753

- 1
- 2 A No.
- 3 Q DD5s?
- 4 A Yes.
- 5 Q DD5s?
- 6 A Yes, I did.
- 7 Q Police vouchers?
- 8 A Yes, I did.
- 9 Q Any other paperwork?
- 10 A Not to my knowledge, no.
- 11 Q Well, you have your file of what you prepared
- 12 here?
- 13 A Excuse me?
- 14 Q Do you have your file of what you prepared?
- 15 A I didn't have a file. Detective Greene had a
- 16 file.
- 17 Q Well, do you have your paperwork here today?
- 18 MR. KESSLER: Objection.
- 19 THE COURT: Sustained.
- 20 Q Do you have copies of what you prepared?
- 21 A I have copies of the vouchers.
- 22 Q You have any copies of your DD5s?
- 23 MR. KESSLER: Objection.
- 24 THE COURT: Sustained.
- 25 Q Did you have -- did you prepare a memo book

Banks - People - Cross

754

1
2 in connection with this?

3 A No, I did not.

4 Q Do you have a memo book?

5 MR. KESSLER: Objection.

6 THE COURT: Sustained.

7 Q I would ask you to show me what you referred
8 to before to refresh your recollection in connection
9 with this matter.

10 MR. KESSLER: Objection.

11 THE COURT: He stated the vouchers. Do
12 you see the vouchers? Show him.

13 (Shown to counsel.)

14 THE COURT: Let the record reflect
15 counsel looked through the papers.

16 MR. SCHECTER: I'm returning it.

17 Q Detective, at what shift were you working on
18 April 1st?

19 A It was my day off.

20 Q Did you get called -- called in?

21 A Yes, I did.

22 Q Do you know what time you got called in?

23 A Sometime in the late morning, early
24 afternoon.

25 Q Was that reflected in your memo book?

1 Banks - People - Cross 755

2 MR. KESSLER: Objection.

3 THE COURT: Sustained.

4 Q Did you mark down anywhere in any paperwork
5 what time you were called in?

6 MR. KESSLER: Objection.

7 THE COURT: Sustained.

8 MR. SCHECTER: Your Honor, please may I
9 have a sidebar?

10 THE COURT: No. Whatever record you
11 want to make, make it later. I don't see any
12 relevance to that question. That's my
13 ruling. You can make your record later.

14 Q Detective, when you got to 1 Police Plaza,
15 who did you meet with?

16 A Well, I first responded to the 5th Precinct
17 in Chinatown.

18 Q Who did you meet with at that precinct?

19 A Lieutenant Tartaglia, my superior officer.

20 THE COURT: You want to spell your
21 partner's name for the court reporter.

22 A The lieutenant, T-A-R-T-A-G-L-I-A.

23 THE COURT: Go ahead.

24 Q Did there come a time that you went back to
25 the Major Case Squad office?

1 Banks - People - Cross 756

2 A Yes.

3 Q What time was that?

4 A A couple of hours after I was responding to
5 the 5th Precinct.

6 Q When you were at the 5th Precinct did you
7 have any conversation with any civilian personnel who
8 may have been part of this incident?

9 MR. KESSLER: Objection.

10 THE COURT: Sustained as to the form of
11 the question.

12 Q Beside for police officers, did you speak to
13 anyone else at the 5th Precinct?

14 A No, I didn't.

15 Q At that time were you advised -- who advised
16 you of what occurred in this incident?

17 MR. KESSLER: Objection, calls for
18 hearsay, which defense counsel has been
19 objecting to all through the trial.

20 THE COURT: Sustained as to the form of
21 the question.

22 Q At the 5th Precinct, beside for Lieutenant
23 Tartaglia, who else did you have conversations with?

24 A I don't recall what other detectives were
25 there other than Detective Greene and Detective Kelly.

1

Banks - People - Cross

757

2

Q You said that you had a conversation with

3

Detective Greene and he gave you two pictures; am I

4

correct?

5

A That's correct.

6

Q Do you have those pictures with you?

7

A No, I do not.

8

Q What did you do with those pictures?

9

A I returned them to Detective Greene.

10

Q Now, when he showed you the two -- withdrawn.

11

Was that at the 5th Precinct where that occurred or

12

was that at 1 Police Plaza?

13

THE COURT: What occurred?

14

Q Where you got the pictures.

15

A That was at 1 Police Plaza.

16

Q Were you present when he received the

17

pictures?

18

A No, I was not.

19

Q When he gave you the pictures did he tell you

20

where those people were?

21

A No, he did not.

22

Q Did he give you any information of why he was

23

giving you those pictures?

24

A He didn't give me any information.

25

THE WITNESS: If I can explain myself,

1 Banks - People - Cross 758

2 your Honor.

3 THE COURT: Just answer the questions.

4 Q Did someone else give, give you information
5 concerning those two pictures?

6 A The pictures were given to me shortly after I
7 arrived at 1 Police Plaza.

8 Q Now, what time was it you were sent out to
9 a -- what time did you leave 1 Police Plaza?

10 A About 9:00 p.m.

11 Q Were you given a specific -- when you left 1
12 Police Plaza, were you given a specific street address
13 to go to or a general vicinity?

14 A Yes, a specific street, specific location, a
15 specific auto --

16 Q Excuse me?

17 A A specific --

18 THE COURT: Wait a minute. Let the
19 court reporter read that back.

20 (The court reporter read back the
21 requested testimony.)

22 Q What time did you arrive there?

23 A About 9:30, 940.

24 THE COURT: Arrive where?

25 MR. SCHECTER: At the -- at that

1 Banks - People - Cross 759

2 location.

3 THE COURT: What location?

4 MR. SCHECTER: Where he was sent, that
5 specific street.

6 THE COURT: You haven't gotten there.
7 The question was, did he get specific
8 information.

9 Q Is that where you went?

10 A I went to the location that I was sent to.
11 That's correct.

12 Q Make any stops on the way?

13 A No, I did not.

14 Q And it was a little after midnight when you
15 first observed people in that area?

16 A No, that's not correct. It's a residential
17 area. I observed people for the two hours I was there.

18 Q Was it at a little bit after midnight that
19 you first took any action in connection with this
20 incident?

21 A Yes, that's correct.

22 Q Now, the four people that you say you saw got
23 into a vehicle, did you see where they came from?

24 A I saw the area they came from. It was one of
25 two houses.

1 Banks - People - Cross 760

2 Q Am I correct in saying you were not able to
3 determine exactly which house they came from?

4 A That's correct.

5 Q How far were you from them at the time you
6 observed these four individuals?

7 A Approximately one half block.

8 Q Were you able to see what these four
9 individuals looked like?

10 A Other than being two males and two females,
11 no.

12 Q Can you describe the vehicle that they got
13 into?

14 A Yes, I can. It was a 4-door Nissan.

15 THE WITNESS: If I can refresh my memory,
16 your Honor, I will give you the license
17 plate.

18 A It was a gray 4-door Nissan, New York license
19 plate G as in George, 480 R as in Robert, F as in Frank.

20 Q Now, you say it was a gray car, vehicle?

21 A Correct.

22 Q Do you know if it was a light gray or dark
23 gray?

24 A I don't recall.

25 Q Would you have made any notes or memoranda

Banks - People - Cross

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that would indicate what color gray?

A No, I wouldn't.

Q You have nothing with you that would help you refresh your recollection?

A No, I don't.

Q You said that Hai Zheng was driving the vehicle?

A That's correct.

Q And what was the other person's name who was in the vehicle?

A Qin Zheng.

Q When did you get those names?

A When I got back to the Major Case Squad office.

Q Do you remember what time that was?

A No, I don't.

Q Do you remember testifying in the Grand Jury in this proceeding on July 17th?

A Vaguely, yes.

Q Do you remember being asked these questions and giving these answers? Page 45, we will start on line 4.

"QUESTION: What did you do next?

"ANSWER: My partner and I entered the

1 Banks - People - Cross 762

2 car and placed the two males under arrest."

3 Do you remember you being asked that question and
4 giving that answer?

5 A I don't recall that. I don't recall that,
6 but that's what occurred.

7 Q "QUESTION: And tell us what was -- what were
8 the names of the people that you placed under arrest?

9 "ANSWER: The driver of the auto was Qin
10 Zheng, Q-I-N. The passenger was Hai, H-A-I
11 Zheng."

12 Do you remember being asked those questions and
13 giving those answers?

14 A No, I don't.

15 MR. SCHECTER: Will the District
16 Attorney stipulate that was his testimony on
17 July 17th?

18 MR. KESSLER: I will stipulate that is
19 the recording the grand jury stenographer
20 made, yes.

21 Q Do you remember being asked this question and
22 giving this answer?

23 "QUESTION: And tell us if there is any
24 difference in physical characteristics
25 between these two people?

Banks - People - Cross

763

"ANSWER: Yes. The driver Qin Zheng had a crew cut, as he was a little bit heavier weight wise. The passenger was Mr. Hai Zheng, who had longer hair and was thinner."

Do you remember being asked that question and giving that answer?

A No, I don't.

MR. SCHECTER: Will the District Attorney stipulate that's what the minutes say?

MR. KESSLER: I will stipulate what is what the grand jury stenographer had written. Same stipulation, yes.

Q Now, detective, is your memory better today concerning this incident than it was on July 17th?

A It's the same as it was July 17th. I don't know what I testified to that day, but what I'm telling you today is that was the driver.

Q Did you ever read -- you have had conversation with the District Attorney over the past few days; am I correct?

A Yes, I have.

Q And during that time did you read the grand jury testimony?

1 Banks - People - Cross 764

2 A No, I did not.

3 Q Well, let me show you your grand jury
4 testimony.

5 MR. KESSLER: Judge, I object.

6 THE COURT: Sustained.

7 Q Are you saying that in the grand jury you
8 never testified to Hai Qin -- Hai Zheng being the
9 passenger --

10 MR. KESSLER: Objection, asked and
11 answered.

12 THE COURT: Sustained.

13 Q Now, you said that you called for a -- you
14 called back 1 Police Plaza. There was someone there who
15 was used as an interpreter?

16 A That's correct.

17 Q Do you know that person's name?

18 A No, I don't have it in front of me.

19 Q Did you have anything that would help you
20 refresh your recollection as to who that person was?

21 A No, I don't.

22 Q Did you at any time mark down on any pieces
23 of paper the name of that person?

24 A No, I did not.

25 Q While you were out in the field, either on

1 Banks - People - Cross 765

2 Horace Harding Boulevard -- am I correct in saying
3 that's the service road to the Long Island Expressway?

4 A Horace Harding Expressway -- that's correct,
5 yes.

6 Q There or any place else -- when you were back
7 at the other location in Queens --

8 THE COURT: What other location are you
9 talking about?

10 MR. SCHECTER: I believe we are talking
11 about 59th Avenue.

12 Q At any time after you made any -- did you
13 take any notes?

14 A No, I did not.

15 Q With the two pictures did you have the names
16 of the two individuals?

17 A I'm sorry, I didn't understand the question.

18 Q Did you have the names of the two
19 individuals --

20 THE COURT: At what point?

21 Q -- that were on the pictures?

22 A The names of the victims?

23 Q Yes, the two females.

24 A No, I didn't.

25 Q When you had conversation -- withdrawn.

1 Banks - People - Cross 766

2 Now, where you stopped the vehicle, where was that
3 exactly?

4 A That was on the Horace Harding Expressway
5 westbound at College Point Boulevard.

6 Q Eastbound or westbound?

7 A Westbound.

8 Q Now, when you used the translator at the
9 scene, did you ask either of the two women what had
10 occurred?

11 A Yes, I did.

12 Q Did you mark it down anywhere?

13 A No, I did not.

14 Q How long were you -- was that at Horace
15 Harding Boulevard where you asked them what occurred?

16 A Horace Harding Expressway, that's correct.

17 Q How long did you speak to them at that time?

18 A Between five and ten minutes.

19 Q Where was Hai Zheng at that time?

20 A In one of the unmarked police cars.

21 Q Did you have any conversation with the women
22 when you were on 59th Avenue?

23 A Yes, I did.

24 Q Did you have any conversation with the women
25 back at 1 Police Plaza?

1 Banks - People - Cross 767

2 A No, I did not.

3 Q Any of the conversation that you had with the
4 women on 59th Avenue, did you ever mark anything down?

5 MR. KESSLER: Objection, asked and
6 answered.

7 THE COURT: No, overruled.

8 A No, I did not.

9 Q Do you remember how many DD5s you personally
10 filled out?

11 A No, I do not.

12 MR. KESSLER: Objection, relevance.

13 THE COURT: Overruled.

14 Q When you went into the basement apartment on
15 59th Avenue how many different rooms did you see?

16 A There was -- as you walk down the stairs,
17 there was a hallway. There were two bedrooms and a
18 kitchen area.

19 Q Now, when my client Mr. Zheng was arrested,
20 did you search him?

21 A Yes, I did.

22 Q Did he have any weapons on him?

23 A No, he did not.

24 Q Did he have any keys on him?

25 A I don't recall.

1 Banks - People - Cross 768

2 Q Do you know if you found on my client or the
3 other gentleman any keys to the basement apartment?

4 A I don't recall if either of them had keys on
5 them.

6 Q Detective Banks, while you were speaking to
7 the District Attorney did you have an opportunity to
8 read your prior testimony of April 19th?

9 A Was that the hearing?

10 Q Yes.

11 A Yes, that's correct.

12 Q Will you look at the bottom of page 65.

13 THE COURT: Wait a minute. Do it the
14 right way. Ask him questions.

15 Q Will you look at the bottom of page 65 to see
16 if that helps refresh your recollection about whether
17 you found any keys on my client?

18 THE COURT: You can do that. Just
19 answer yes or no.

20 THE WITNESS: Yes, your Honor.

21 Q And go into the top of page 66.

22 A No, it doesn't refresh my memory.

23 Q Huh?

24 A No.

25 Q It doesn't refresh your memory. Let me ask

Banks - People - Cross

769

you this. You just read this. And do you remember on April 17th being asked the following question and giving the following answer? Page 65, line 24.

"QUESTION: Did you find any keys on either of the two individuals for that apartment in the basement?

"ANSWER: Did I, no."

Do you remember being asked that question and giving that answer?

A Yes, I do.

Q Well, at that time -- withdrawn.

And then do you remember being asked the following question?

"QUESTION: Did you find any keys on either individual?

"ANSWER: Did I find any, no."

Do you remember being asked that question and giving that answer?

A Yes, I do.

Q But that does not refresh your recollection now whether you found any keys?

THE COURT: Sustained. That's his testimony.

Q But on April 17th do you remember testifying

1 Banks - People - Cross 770

2 that you didn't find any keys?

3 THE COURT: Sustained. Asked and
4 answered.

5 Q Now, how many different entrances were there
6 to the basement apartment that you saw on April, on the
7 morning of April 2nd?

8 A There were two entrances to that apartment.
9 One would be the side door from the driveway which led
10 directly downstairs. The other would be from the main
11 floor of the house. Inside the house there was a door
12 that led to that same stairway.

13 Q Which way did you get into the basement
14 apartment?

15 A Driveway door.

16 Q And was that door open when you went there?

17 A No, it was not.

18 Q How did you get -- did you get a key for that
19 location?

20 A Yes, I did.

21 Q Who did you get the key from?

22 A The landlord that I spoke to.

23 Q Now, when you went down the stairs you said
24 there were two bedrooms?

25 A Correct.

1 Banks - People - Cross 771

2 Q Can you describe the first bedroom coming
3 down the stairs that you saw?

4 A As soon as you got to the bottom of the
5 stairs, the rooms were to the right. There was -- it
6 would have been the second bedroom was adjacent to the
7 bottom of the stairs. That's the first room I entered.

8 Q How big was that room?

9 A Very small bedroom.

10 Q Can you approximate the size?

11 A 10 by 12.

12 Q Now, what was in that bedroom? Was there
13 anything in that bedroom?

14 A Yes, it was -- there was a mattress on the
15 floor. There was no furniture other than the mattress
16 and I think a quilt in the corner.

17 Q The other bedroom, how big was that bedroom?

18 A Approximately the same size.

19 Q Was there anything in that room?

20 A No, there was not.

21 Q Do you remember what time you got back to the
22 basement apartment?

23 A I'd say within a half hour of the arrest.

24 Q And what time did you -- did you then go to 1
25 Police Plaza?

1 Banks - People - Cross

772

2 A Yes, I did.

3 Q And you took the two females and the two
4 males to 1 Police Plaza?

5 A I took the two females.

6 Q And do you know what time you got to 1 Police
7 Plaza?

8 A I don't recall what time. I guess it would
9 have been sometime after 2 o'clock.

10 Q And do you remember what time you signed out
11 that day?

12 A No, I don't.

13 Q Were you present when a lineup was conducted?

14 A No, I was not.

15 Q Did you ever go into the room where the
16 lineup was conducted?

17 A No, I did not.

18 MR. SCHECTER: Can I see pictures 5 and
19 6, please.

20 (Shown to counsel.)

21 MR. SCHECTER: Will you show these to
22 the witness.

23 (Shown to witness.)

24 Q Detective, do you remember on direct
25 examination being shown those two pictures?

Banks - People - Cross

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A Yes, I was.

Q Now, you have no personal knowledge that's
what the lineup looked like?

A No, that would be incorrect.

Q So, in other words, when you say you
recognized it earlier as being the lineup, that would be
incorrect?

MR. KESSLER: Objection.

A No.

THE COURT: Sustained.

Q Then I'm correct in saying you have no
personal knowledge that was the lineup?

MR. KESSLER: Objection, asked and
answered.

THE COURT: Sustained.

MR. SCHECTER: It's still cross
examination, your Honor.

THE COURT: Go ahead.

MR. SCHECTER: I would ask he be allowed
to answer.

THE COURT: Answer the question.

You repeat the question.

MR. SCHECTER: Will the court reporter
repeat the question?

1 Banks - People - Cross 774

2 THE COURT: Do you want me to ask the
3 court reporter to read the question?

4 MR. SCHECTER: Yes.

5 THE COURT: Yes, read the question.

6 (The court reporter read back the
7 question.)

8 A No, that is not correct.

9 Q Am I correct in saying you were not present
10 in the lineup when people were given numbers?

11 A That's correct.

12 Q And you never -- you said you never went into
13 the lineup to see what numbers anyone was given?

14 A That's correct.

15 Q Detective, did you ever see any of those
16 cellular phones being used?

17 A No, I did not.

18 Q And did you ever see that weapon being used
19 that you recovered?

20 A No, I did not.

21 Q Do you know if that weapon was ever sent for
22 fingerprint evidence?

23 A No, I don't.

24 Q Have you in the past ever sent weapon for to
25 be analyzed for fingerprints?

Banks - People - Cross

775

MR. KESSLER: Objection.

THE COURT: Sustained.

MR. SCHECTER: Your Honor, can I have a
brief sidebar?

(Sidebar discussion off the record.)

Q If fingerprints evidence is requested, is it
the responsibility of the person vouchering the evidence
to make the request?

MR. KESSLER: Objection.

THE COURT: Sustained.

MR. SCHECTER: Just one moment, Judge.

(Pause in the proceedings.)

MR. SCHECTER: Your Honor, I have
nothing further.

MR. KESSLER: Nothing further. Thank
you.

THE COURT: You have another witness?

MR. KESSLER: Can I approach one moment?

(Sidebar discussion off the record.)

THE COURT: You are going to recall
Detective Greene?

MR. KESSLER: Yes, Judge. That will be
one second.

(Detective Greene retook the witness

1 Greene - People - Cross 776

2 stand.)

3 THE CLERK: Detective, you're reminded
4 you were previously sworn this morning and
5 you're still under oath. Do you understand
6 that?

7 THE WITNESS: Yes.

8 THE COURT: You may cross examine,
9 Mr. Schecter.

10 MR. SCHECTER: Your Honor, could I have
11 one moment to look at the memo book?

12 (Pause in the proceeding.)

13 CROSS EXAMINATION

14 BY MR. SCHECTER:

15 Q Detective, now what time did you arrive on
16 Saturday April 1st at Major Case?

17 A Tell you the truth, counselor, I don't
18 remember.

19 Q Do you have -- will you look at your memo
20 book. Do you have your memo book with you?

21 A No, what we have is the fax. I believe what
22 I have there is the time Saturday from 1400 hours to --
23 I'm sorry, 2200.

24 Q Why don't you take a --

25 THE COURT: Why don't you take look at

Greene - People - Cross

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it and refresh your recollection.

A 1400 hours Saturday to 2215 hours Sunday.

Q That's time worked?

A Yes.

Q Now, when -- where was the first place that you went on April 1st in connection with this incident?

A 1 Police Plaza.

Q And at that time were you advised about this incident?

A Yes.

Q And was it at that time that your lieutenant assigned you to be the person who would oversee the operation?

A Correct, yes.

Q And what exactly are the duties of the person who -- would you consider yourself in charge of the operation?

A I think proper term would probably be coordinate, to coordinate everything.

Q You were the coordinator of the operation. Would that mean you're in charge of all the paperwork that is prepared during the course of the investigation?

A No.

Q Are you the one who directs people to go to

1 Greene - People - Cross 778

2 different locations?

3 A I assist, yes.

4 Q You assist. Did anyone else assist you in
5 coordinating this operation?

6 A Just the commanding officers.

7 Q Okay. You showed me case files earlier, am I
8 correct, your case files?

9 A Yes.

10 Q To your knowledge does that have all the
11 paperwork from all the different officers who were
12 involved in connection with this incident?

13 A I'm sorry. Could you repeat your question?

14 THE COURT: The court reporter will read
15 it back.

16 MR. KESSLER: Judge, I object to this.
17 Does that question pertain to this officer,
18 to what paperwork he had?

19 THE COURT: Read it back.

20 (The court reporter read back the
21 question.)

22 THE COURT: I will allow the answer, if
23 he knows the answer.

24 If you know the answer, you can answer
25 it.

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Greene - People - Cross

779

A I really don't know the answer to that.

Q Now, were you the officer who made the determination to record phone conversations?

A There are procedures that are followed normally in regarding kidnappings, so.

Q Well, do you know what time phone conversations started to be recorded?

MR. KESSLER: Judge, again I object unless he has personal knowledge.

THE COURT: All the questions are asked of you referring to personal knowledge.

A No.

Q Would there be anything in your file that would show what time phone conversations were started to be monitored?

MR. KESSLER: Objection.

THE COURT: Sustained.

MR. SCHECTER: Your Honor, on direct examination the District Attorney was asking him questions far afield about what he did.

THE COURT: That may be so. What you objected to, I ruled. He just objected and I ruled.

Q You said on direct examination that they were

1

Greene - People - Cross

780

2

monitoring incoming calls?

3

A Yes.

4

Q Where were those incoming calls being made

5

to?

6

A The residence.

7

Q And you knew that --

8

THE COURT: What residence are you

9

talking about?

10

THE WITNESS: The victim's residence.

11

Q What was that address?

12

MR. KESSLER: Objection to the address.

13

THE COURT: Sustained.

14

Q Whose address was that? Without giving the

15

exact address, whose residence was that?

16

A Victim's address.

17

Q What was the name of the victim? Who we are

18

talking about?

19

MR. KESSLER: Again, Judge, I object

20

to -- if this officer was present and knows

21

the person, that is one thing, but again we

22

are calling for testimony from other

23

witnesses. That's why I'm objecting.

24

MR. SCHECTER: Your Honor, this witness

25

on direct examination said they're monitoring

Greene - People - Cross

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incoming calls.

THE COURT: I'm going to overrule the objection.

MR. SCHECTER: Thank you.

THE COURT: You can answer that if you know.

Can you repeat the question, please.

MR. SCHECTER: Can the court reporter repeat the question.

THE COURT: Can the court reporter repeat the question.

(The court reporter read back the requested question.)

A I'd like to clarify. The residence doesn't necessarily refer to where the person lives. The residence means where the incoming calls are coming to.

Q Whose telephone was being monitored?

THE WITNESS: Refer to my notes, is that all right?

THE COURT: You can refresh your recollection.

MR. SCHECTER: The only thing I would ask, just tell me what you were using to refer --

1 Greene - People - Cross 782

2 A The Liu family, L-I-U.

3 Q And do you know if the calls that were being
4 monitored with the Liu family was at their residence?

5 A Yes.

6 Q And what time did the monitoring start?

7 A I have no idea.

8 Q What time did you tell someone to start
9 monitoring the phone calls?

10 A I did not instruct anyone to monitor the
11 phone calls. It was not my place.

12 Q Who was the one whose place it is to start
13 telling someone to start monitoring phone calls?

14 MR. KESSLER: Objection.

15 THE COURT: Sustained.

16 Q Detective, when you arrived at 1 Police Plaza
17 at approximately 2:00 p.m., had you been advised that
18 there were monitoring of phone calls prior to your
19 arrival at 1 Police Plaza?

20 A I don't remember. What I remember is being
21 told that certain procedures were already in effect.

22 Q Was one of those procedures the monitoring of
23 phone calls?

24 MR. KESSLER: Objection.

25 THE COURT: Sustained.

Greene - People - Cross

783

1
2 Q You said that there was monitoring of
3 incoming calls; am I correct?

4 A Correct.

5 MR. KESSLER: Objection.

6 THE COURT: It's been asked and
7 answered.

8 MR. SCHECTER: Well, I'm going to ask
9 him another way.

10 Q Am I correct?

11 A Yes.

12 Q What time were you advised of that?

13 A Counselor, the technical response -- our
14 technical response unit when I arrived at 1 Police Plaza
15 was already starting procedures to monitor phone calls
16 and get the surveillance. For me to give you an exact
17 time, it's difficult.

18 Q That's fine.

19 THE COURT: I don't need your comments,
20 Mr. Schecter, please.

21 Q You also said that teams were assigned to
22 surveillance; am I correct?

23 A That's correct.

24 Q Are you the -- were you the one -- were you
25 the person who assigned the teams surveillance?

Greene - People - Cross

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MR. SCHECTER: Four.

THE COURT: Four pages, Defendant's A
for identification.

(Defendant's Exhibit A marked for
identification.)

Q Detective, will you look at that. Have you
ever seen that document, those documents before?

A Yes.

Q Will you look on page four. Is that the page
where a court signed the eavesdropping warrant?

A Yes.

Q And is there a time, a date, and time when
that eavesdropping warrant was obtained?

A There is a time on this that says 8:53.

Q And a date?

A April 1, 1995.

Q And to your knowledge would that be the date
and time that the eavesdropping warrant was signed and
obtained?

A Yes.

Q And am I correct in saying that would be
after the incoming calls were being monitored and the
tracking of the phone, phones was being done? Simple
yes or no.

1 Greene - People - Cross 786

2 A I wouldn't know. You're asking me questions.
3 I didn't -- I did not obtain the warrant. It was
4 another investigator. So you're asking me questions --

5 Q As the coordinator were you given the
6 warrant?

7 A Eventually, yes.

8 Q Beside for that warrant that you have in your
9 hand, did you ever see any other eavesdropping warrants
10 signed by any court?

11 MR. KESSLER: Objection.

12 THE COURT: Sustained.

13 Q Did you ever receive any other eavesdropping
14 warrants?

15 MR. KESSLER: Objection.

16 THE COURT: Sustained.

17 Q Detective, do you have any knowledge of any
18 other eavesdropping warrant being obtained except for
19 the one you have in your hand?

20 MR. KESSLER: Objection.

21 THE COURT: Overruled.

22 Do you have any knowledge of any
23 other --

24 THE WITNESS: No, I don't.

25 Q Detective, if the eavesdropping warrant was

Greene - People - Cross

787

signed at 8:53 in the evening, had the monitoring of
phone calls already commenced?

MR. KESSLER: Objection.

THE COURT: Sustained as to the form of
the question.

Q Detective, did there come a time -- am I
correct in saying, detective, you were not present when
Hai Zheng was arrested?

A That's correct.

Q Detective, were other -- withdrawn.
You said that there was another location where --
that you were aware that there was a drop made; am I
correct?

A That's correct.

Q And when you say, drop made, would that be
the money changing hands?

A Where the ransom was supposed to be made,
yes.

Q And were you present at that location where
the drop was made?

A No.

Q If you know, was anyone arrested at that
location?

MR. KESSLER: Objection.

1 Greene - People - Cross 788

2 THE COURT: Overruled.

3 Just yes or no.

4 A Yes. Well, yes. Can I --

5 THE COURT: Go ahead.

6 A I'm sorry. There were -- I'm sorry. Since I
7 was not there, what I was informed was that people were
8 being brought in. Whether they were under arrest, I do
9 not know, at the time.

10 Q Well, did you sign a Criminal Court complaint
11 accusing other individuals besides my client and Qin
12 Zheng of this kidnapping?

13 MR. KESSLER: I object. First of all,
14 his client isn't Qin --

15 THE COURT: Sustained.

16 MR. SCHECTER: No, other people beside
17 my client and another person.

18 MR. KESSLER: Judge, I ask to approach.

19 THE COURT: Sure.

20 (Sidebar discussion off the record.)

21 MR. SCHECTER: Withdrawn, your Honor.

22 Your Honor, I would ask this document be
23 marked Defendant's 2.

24 THE COURT: B.

25 MR. SCHECTER: Defendant's B.

MR. SCHECTER: Can I see Defendant's

1 Greene - People - Cross 790

2 A -- withdrawn. Just show him Defendant's B.

3 (Defendant's Exhibit B shown to
4 witness.)

5 Q Detective, did you read that prior to signing
6 it?

7 A I'm sorry, which part did you want me to
8 refer to? I'm sorry.

9 THE COURT. No. Did you read that piece
10 of paper before you signed off on it?

11 THE WITNESS: Yes.

12 Q Does that help? According to your
13 information how much money was recovered at the drop
14 location?

15 THE COURT: Sustained.

16 MR. KESSLER: Objection. Beyond the
17 scope of this witness.

18 THE COURT: He said he wasn't present
19 there.

20 MR. SCHECTER: Your Honor, I would offer
21 Defendant's B into evidence.

22 MR. KESSLER: I object.

23 THE COURT: Sustained.

24 Q Detective, did you read Defendant's B prior
25 to signing it?

1

Greene - People - Cross

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2

A I'm sorry?

3

Q Did you read it prior to signing it?

4

A Yes.

5

Q Did you make any changes on it prior to

6

signing it?

7

A No.

8

Q Is that a fair and accurate representation of

9

what you said on April 1st of 1995?

10

MR. KESSLER: Objection.

11

THE COURT: Sustained.

12

Q Detective, on April 1st did you have any

13

conversation with an interpreter of any Jin Hao Liu?

14

MR. KESSLER: Objection, relevance.

15

THE COURT: Sustained.

16

MR. SCHECTER: Can I have a sidebar?

17

THE COURT: I think this is a good time

18

for us to recess for lunch.

19

Ladies and gentlemen, don't discuss the

20

case amongst yourselves or with anyone else.

21

Don't let anyone else discuss the case in

22

your presence. Report to where the court

23

officer tells you to report at 2 o'clock.

24

Have a nice lunch.

25

(The jury left the courtroom.)

Proceedings

792

(A lunch recess was taken.)

THE CLERK: This is the case on trial, calendar number 4, indictment 3282 of '95, People versus Hai Guang Zheng. Let the record reflect the presence of the official Mandarin interpreter, Mr. Yi Wan, the defendant, defense attorney and the Assistant District Attorney, outside the presence of any sworn jurors at this time.

Are there any applications before the jurors are brought in?

MR. KESSLER: Judge, my application is my detective Kevin Streine is the man from ballistics who fired the weapon. He is on a schedule. I asked defense counsel if we can take him out of order. It shouldn't take him more than a couple of minutes.

MR. SCHECTER: No objection.

THE COURT: Okay, we will interrupt the cross examination of Detective Greene for the second time to take Detective Streine.

(The jury entered the courtroom.)

THE CLERK: Case on trial continued.
Let the record reflect the presence of

1 Streine - People - Direct 793

2 defendant, defense attorney, Assistant
3 District Attorney, the official Mandarin
4 interpreter, 12 regular, 4 alternate jurors
5 all present and properly seated.

6 Counsel waive the reading of the roll?

7 MR. KESSLER: Yes.

8 MR. SCHECTER: Yes.

9 THE COURT: Good morning. We are going
10 to interrupt the cross examination of
11 Detective Greene to call another witness who
12 has a time schedule problem, with the consent
13 of both parties.

14 You may call your witness.

15 MR. KESSLER: People call Detective
16 Kevin Streine.

17 K E V I N S T R E I N E, Detective, a witness
18 called on behalf of the People, after
19 having been first duly sworn and having
20 stated his shield number as 3667 and his
21 command as The Ballistic Squad, New York
22 City Police Department, took the witness
23 stand and testified as follows:

24 THE COURT: You may inquire.

25 DIRECT EXAMINATION

1 Streine - People - Direct 794

2 BY MR. KESSLER:

3 Q Detective Streine, what division of the New
4 York City Police Department are you assigned?

5 A The Ballistic Squad.

6 Q How long have you been assigned there?

7 A Since July of 1993.

8 Q What are your general duties and
9 responsibilities in ballistics?

10 A I'm a firearms examiner. I'm responsible to
11 test firearms that come into the possession of the
12 police department through various circumstances, as well
13 as to identify ammunition and other ballistic evidence
14 that come along with firearm cases.

15 MR. KESSLER: Could I have the witness
16 be shown the gun and ammunition that's been
17 marked in evidence. I don't know the --

18 THE COURT: People's 10.

19 (People's 10 shown to witness.)

20 Q Detective Streine, may I ask you to take a
21 look at what has been marked People's 10 in evidence.
22 Do you recognize what that is?

23 A Yes, I do.

24 Q And what is that?

25 A It's a 380 caliber Lawson semi-automatic

1

Streine - People - Direct

795

2

piston I had tested once in April and once in July of

3

last year.

4

Q July 21, 1995; did you test that weapon on

5

that date?

6

A Yes, I did.

7

Q When you say you tested that weapon, could

8

you describe for us what you did on that day?

9

A After bringing the gun over to my work

10

station, I opened up the bag it was in. I took the gun

11

and the one live round that I had tested into our test

12

range. The test range contains a test tank, which is a

13

metal tank that holds about 800 gallons of water. I

14

loaded the gun with the bullet, fired the gun into the

15

test tank, recovering the bullet and the shell that were

16

discharged.

17

Q The bullet that you tested on July 21st,

18

where did you get the bullet from?

19

A That was one of six bullets that were

20

vouchered on a voucher separate from the gun itself.

21

Q Do you have that voucher number?

22

A Yes, I do.

23

Q Would you tell us what that number is?

24

A That is F like Frank 881239.

25

Q When you tested this particular gun with that

1 Streine - People - Direct 796

2 ammunition from that voucher number, did a bullet come
3 out of the gun?

4 A Yes.

5 Q Did you recover that bullet?

6 A Yes, I did.

7 Q If you can, tell us how you know that's the
8 gun that you tested?

9 A In addition to my two signed reports being in
10 the sealed bag, the bag is sealed with my signature on
11 it. Also there is a lead seal, a police department seal
12 on the gun, and that lead seal number matches the number
13 to my report.

14 MR. KESSLER: I have nothing further.

15 MR. SCHECTER: No questions.

16 THE COURT: You can step down.

17 Recall Detective Greene, please.

18 MR. SCHECTER: Your Honor, could we
19 approach for just a moment?

20 THE COURT: Yes.

21 (Sidebar discussion off the record.)

22 (Detective Greene retook the witness
23 stand.)

24 THE COURT: You have been previously
25 sworn. You're still under oath.

1 Greene - People - Cross

797

2 THE WITNESS: Yes.

3 CROSS EXAMINATION

4 BY MR. SCHECTER:

5 Q Detective Greene, at any time from 2:00 p.m.
6 on April 1st until 2:00 a.m. on April 2nd did you ever
7 leave 1 Police Plaza?

8 A No, I don't think so. No.

9 Q In other words, you were coordinating this
10 operation from your headquarters of Major Case?

11 A Correct.

12 Q At some time after you commenced working did
13 you come into information concerning an interview with
14 Guo Bang Liu, the male?

15 A I had. But I had knowledge of him prior to
16 it, when I got to 1 Police Plaza, because the
17 information that was given to me over the phone.

18 Q But when you got -- am I correct in assuming
19 you received a phone call from someone while you were at
20 home; they gave you a very brief run down of what they
21 knew at that time?

22 A Correct.

23 Q And that, come in and you're going to either
24 coordinate or we need you?

25 A Right.

1 Greene - People - Cross 798

2 Q When you got down to police headquarters
3 prior to midnight on April 1st onto April 2nd, did you
4 receive a 61 for Guo Bang Liu?

5 A I believe so, yes.

6 Q Do you have it with you?

7 A Yes, I believe I have a copy.

8 Q Okay. Will you look at it.

9 A Okay.

10 Q Do you have it in front of you?

11 And this 61, am I correct in saying this was
12 prepared prior to the two people being arrested?

13 A Correct.

14 Q Now, was Mr. Liu asked for a description of
15 the two individuals that did -- withdrawn.

16 Mr. Liu give a description of the two individuals?

17 A Not to me.

18 Q I'm not saying to you; on the 61.

19 A Is this information on information on the 61,
20 yes.

21 Q I'm not saying you took that information, but
22 he gave the information to someone?

23 A Yes.

24 Q And that person wrote down certain
25 characteristics about the two individuals?

Greene - People - Cross

799

1

2

A Yes.

3

Q Okay. And as to the first individual, did he

4

give a sex?

5

A Yes.

6

Q What was that sex?

7

A Male.

8

Q Did he give a race?

9

A Yes.

10

Q What was that?

11

A Asian.

12

Q Did he give an age?

13

A Yes.

14

Q What was that?

15

A Thirties.

16

Q Did he give a height?

17

A Yes.

18

Q What was that?

19

A Five six.

20

Q A weight?

21

A 125.

22

Q And a hair --

23

A Short.

24

Q As to the second individual, did he give a

25

height?

Greene - People - Cross

800

A Yes.

Q What was that?

A Five six.

Q Did he give an age?

A Thirties.

Q And he said also male Asian?

A Yes.

Q And did he give a hair length?

A Yes.

Q What was put down?

A Short.

Q. Now, you were the arresting officer for Hai
g; am I correct?

A I don't understand your question.

Q Were you the arresting officer?

A At the location where he was arrested, no.

Q No. Were you the one who prepared the
work concerning Hai Zheng?

A Once he was in my custody --

0 Once he was back in.

A Yes.

Q Did you prepare an on-line booking sheet?

A Yes, one was prepared for me.

Q Well, when I say -- you would ask questions,

1 Greene - People - Cross 801

2 but you don't speak Chinese, do you?

3 A No.

4 Q When I say "you," you were using an
5 interpreter?

6 A Correct. Or the detective who at the time
7 was put in charge of doing the arrest paperwork on him,
8 whoever that detective was.

9 Q Who was that detective; do you know?

10 A No, I'm not sure whether it was me -- I mean
11 I don't remember whether it was me. It was someone was
12 assigned to do it, starting the paperwork, the arrest
13 paperwork.

14 Q Do you have the on-line booking sheet for Hai
15 Zheng?

16 A I have a photostat copy, yes.

17 Q And that has you listed as the arresting
18 officer?

19 A Yes.

20 Q And I believe down the bottom that has your
21 signature on it?

22 A Yes.

23 Q Okay. Now, did you ask Mr. Zheng or make a
24 determination of Mr. Zheng's height?

25 A Yes, it was done.

1 Greene - People - Cross 802

2 Q And what was that you wrote down on the
3 on-line booking --

4 A I'm sorry, it's blocked out on this
5 photostatic copy and I believe the District Attorney has
6 my original.

7 Q Will you look at my copy --

8 A Sure.

9 Q -- which is not blocked out.

10 (Shown to witness.)

11 Q Okay. Is that the same copy that you were
12 looking at?

13 A Yes.

14 Q That's a better copy that you're able to see?

15 A Yes.

16 Q What height did you put down, line 15?

17 A Five ten.

18 Q Now, at any time prior to Mr. Zheng getting
19 back to the precinct or getting back to 1 Police Plaza,
20 did you personally have any interview with Liu Guo Bang?

21 A No, not prior to him being brought over to 1
22 Police Plaza.

23 Q Do you know if he was ever at your --

24 THE COURT: Who are you talking about?

25 MR. SCHECTER: Liu Guo Bang.

25

Q Would you have any -- would you have anything
in your notes that would help you refresh your
recollection or that would be able to tell you what time

1 Greene - People - Cross

804

2 he was brought to 1 Police Plaza?

3 A No, because he was being moved around to
4 wherever it was necessary he was needed.

5 Q Do you remember when for the first time you
6 saw Hai Zheng at 1 Police Plaza?

7 A Sometime in the afternoon.

8 Q I'm talking about the defendant.

9 A Oh. We are now speaking about --

10 Q Hai Zheng.

11 A Bang --

12 Q Not Guo Bang. Do you know what time my
13 client got to 1 Police Plaza?

14 A Sometime after the arrest was made in Queens.
15 I don't know the exact time.

16 Q Do you know what time was the first time you
17 saw him at 1 Police Plaza, my client?

18 A I didn't mark down the time, no.

19 Q Do you know if he came to 1 Police Plaza at
20 the same time that the two females got to 1 Police
21 Plaza?

22 A I don't remember, counselor.

23 Q On the day before April 1st did you have any
24 conversation with Detective Banks.

25 A On the 1st?

1

Greene - People - Cross

805

2

Q Yes.

3

A Yes.

4

Q Did you give him anything?

5

A I don't recall.

6

Q At any time did you see any photographs on

7

April 1st?

8

A Yes.

9

Q Did you ever on April the 2nd or any date

10

thereafter, were you ever given those photographs --

11

were you ever given those photographs of the -- of the

12

Jin -- Hao Liu and Liu Yan Wu?

13

A I'm sorry. I didn't -- would you repeat the

14

question.

15

Q Were you given -- after the arrest of my

16

client, were you ever given the photographs?

17

A The photographs of the victims were provided

18

from the family way before your client was arrested.

19

Q No, I'm not saying that. After the arrest

20

were you given those photographs back?

21

A Given those back?

22

Q Yes.

23

A The victims' photos?

24

THE COURT: Were you given them back?

25

Did anybody give them back to you?

1 Greene - People - Cross 806

2 A I don't recall. I mean, the photographs of
3 the victims were given to all detectives that were
4 involved in the case if they went out for surveillance
5 or monitoring of any location so they had them.

6 Q Did you ever get the photographs back?

7 A Whether they were returned -- I can't tell
8 you all the photos were returned to me, no.

9 Q When you say, "the photos," were they the
10 actual photographs or were they photocopies of the
11 people --

12 MR. KESSLER: Objection as to relevance.

13 THE COURT: Overruled.

14 Q -- that was given out to the people that went
15 out?

16 A They were what you call one on one. There is
17 a one-on-one camera we use to take photos of photos so
18 they come out like a Polaroid. It's a Polaroid of a
19 photo.

20 Q It's not a Xerox?

21 A No.

22 Q Would you have any of those with you today?

23 A I don't have any here. The District Attorney
24 may have.

25 Q Now, on April 2nd -- withdrawn.

1 Greene - People - Cross 807

2 Was one of the people working under your direction
3 a Detective Keith Ng or Keith Ned? How does he -- Keith
4 Ng?

5 A Keith Ng was part of the investigation, yes.

6 Q Do you know how he pronounces his last name?

7 A Ng.

8 Q When for the first time did you see him in
9 connection with this incident?

10 MR. KESSLER: Objection again as --
11 objection as to relevance as to when the
12 first time he saw another detective.

13 THE COURT: Is that relevant?

14 MR. SCHECTER: Could be.

15 THE COURT: Then answer if you know the
16 answer.

17 A I believe in 1 Police Plaza.

18 Q Do you know was that on the 1st or 2nd?

19 A I don't remember.

20 Q Now, did there come a time that you conducted
21 an interview with Liu Jin Hao?

22 A Yes.

23 Q Do you know what time that interview was?

24 A I will have to refer to my -- 0150 hours.

25 Q And once again I assume you had an

1 Greene - People - Cross

808

2 interpreter with you?

3 A Yes.

4 Q How long did you speak to her for?

5 A To give you exact the amount of time,
6 counselor, I couldn't, but it was a substantial amount
7 of time to do an interview.

8 Q Excuse me?

9 A To give you an exact time, I couldn't do
10 that. But it was --

11 Q When you finished speaking to her, did you
12 immediately start interviewing Liu Yan Wu?

13 A If I recall right the interviews were done
14 simultaneously. I don't know if it was immediately
15 following. I might have done something in between
16 but --

17 Q Well, what time did you speak to Liu Yan Wu?

18 A Says here 0300 hours.

19 Q And am I correct in saying both those
20 interviews were done prior to the lineup?

21 A Correct.

22 Q Now, do you know if Liu Guo Bang spoke to
23 either of the two females prior to witnessing the
24 lineup?

25 A It's my recollection he didn't.

1 Greene - People - Cross 809

2 Q Do you know if he knew that his wife and
3 sister were at 1 Police Plaza?

4 MR. KESSLER: Objection as to his state
5 of mind. Objection as to whether or not if
6 the other witness --

7 THE COURT: Sustained as to the form of
8 the question.

9 Q While you were interviewing either of the two
10 females did you see Liu Guo Bang?

11 A No.

12 Q Am I correct in saying you didn't interview
13 the two females together?

14 A That's correct.

15 Q They were in a different room?

16 A That's correct.

17 Q When you went in to get either of the two
18 females or bring them back to that room, do you know if
19 Liu Guo Bang was in that room?

20 A No.

21 Q You don't know?

22 A No, he was not in the room.

23 Q Now, after your interview with the two
24 females did you have any conversation with Detective Ng
25 about what either of the two females stated?

1 Greene - People - Cross 810

2 A I don't recall. If I remember right he was
3 busy doing something else. No, I don't think so.

4 Q Do you know if he was in the room while
5 either of the two females was being interviewed?

6 A While I was conducting my interview?

7 Q Yes.

8 A No, the only ones in the room was myself and
9 Detective Christine Leung.

10 Q And that would be the female who was doing
11 the translating?

12 A That's correct.

13 Q Do you know where my client Hai Zheng was
14 during the time that you were interviewing the two
15 females?

16 MR. KESSLER: Objection as to relevance.

17 THE COURT: Pardon me?

18 MR. KESSLER: As to relevance.

19 THE COURT: Overruled. I will allow.

20 Do you know?

21 THE WITNESS: No. No, I don't.

22 Q Did you direct Detective Ng to speak to Hai
23 Zheng, to my client?

24 A I don't think I directed him, no.

25 Q Now, detective, when you spoke to --

1 Greene - People - Cross 811

2 MR. SCHECTER: Just one moment, Judge.

3 Q When you spoke to Liu Jin Hao did you take
4 any notes concerning that interview?

5 A I'm trying to remember, counselor. Give me a
6 few minutes. I don't recall whether, whether I was
7 taking the notes while Detective Leung was translating
8 or was she jotting -- I believe I was taking the notes
9 as she translated.

10 Q Did you take handwritten notes?

11 A I believe so.

12 Q Do you know what happened to your handwritten
13 notes? Do you have your handwritten notes with you
14 today?

15 A They should have been attached to the
16 original files. They may be in the file that the
17 District Attorney has.

18 MR. KESSLER: Judge, the handwritten
19 notes I have are from a different witness.
20 That would -- I believe if the detective sees
21 this, this will refresh his memory, but these
22 are the handwritten notes I have that are in
23 the file.

24 THE WITNESS: No, these are not them.
25 The file was done relatively -- I don't

4 Q Am I correct in saying while the translation
5 was going on you did not have a typewriter typing out --

7 Q So you took handwritten notes you took to
8 prepare the DD5?

11 THE COURT: Sustained as to the form of
12 the question.

15 MR. KESSLER: Again I object. The
16 witness indicated he doesn't recall if he did
17 or he didn't.

20 THE COURT: He did. I will allow the
21 counsel to probe.

23 MR. SCHECTER: Can the court reporter
24 read back the question?

25 THE COURT: Read back the question.

Greene - People - Cross

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(The court reporter read back the requested question.)

A I would have to say I probably jotted some things down. Just I probably jotted some things down just to gear memory. But I don't remember whether in fact I took a whole listing and history. I don't remember, counselor, really.

Q Would you have taken notes putting down key points that --

A That's possible, yes.

MR. SCHECTER: Your Honor, can I have the court reporter on the side?

THE COURT: Yes.

(The following proceeding took place at sidebar.)

MR. SCHECTER: This would be notes that he took of the complaining witness. I have not been provided with any scratch notes of this witness --

THE COURT: I'm aware --

MR. SCHECTER: -- of the detective, your Honor. I'm going to ask to have either his testimony be precluded, because it's the only report of anyone interviewing the complaining

1 Greene - People - Cross 814

2 witness. I did not have the scratch notes.
3 That may or may not be the same. There is a
4 clear Rosario violation here and I'm asking
5 for appropriate sanctions, including
6 dismissal of the indictment.

7 MR. KESSLER: As discussed with the
8 Court, there appears there is Rosario
9 missing, his scratch notes and another page.
10 I'm allowing defense counsel to do it in
11 front of the jury, even though I don't think
12 it's proper in front of the jury to talk
13 about Rosario and violations of Rosario.

14 THE COURT: He is not. We are doing it
15 at sidebar.

16 MR. KESSLER: He is now questioning --

17 THE COURT: They're not here. I will
18 listen to argument at the appropriate time
19 and I will impose appropriate sanctions for
20 any Rosario that's not available.

21 (The following occurred in open court.)

22 Q Now, detective, you said you also interviewed
23 Liu Yan Wu. Am I correct in saying also when you
24 interviewed her you didn't have the typewriter there to
25 prepare your DD5?

Greene - People - Cross

815

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2

A That's correct.

3

Q Okay. And once again you would have taken

4

some sort of notes by hand of what she said?

5

A Possibly, yes.

6

Q And you have those notes with you?

7

A I don't have them here, no.

8

Q Do you know where those notes are?

9

A All of my paperwork should be in the case

10 folder.

11

Q Well, if they are not in that file is there

12

anyplace else you know where they can be?

13

A No.

14

Q Could they be in your locker?

15

A No.

16

Q Could you have destroyed them?

17

A No.

18

MR. KESSLER: Objection.

19

THE COURT: Overruled.

20

A No.

21

Q You have no idea where any of those notes

22

are?

23

A Counselor, there is a lot of paperwork when

24

you coordinate these types of operations. And I

25

would -- I mean, for me to tell you I know where every

1 Greene - People - Cross 816

2 inch of paper from all detectives who worked the case --

3 Q I'm just talking about your work, not any of
4 the other detectives.

5 A Again. Again, I don't speak the language, so
6 I had another detective there interpreting. So --

7 Q Well, when the other detective was
8 interpreting were you asking the questions about what
9 happened and then she would interpret?

10 A Yes.

11 Q So it was still you were the one -- she
12 would -- then an answer would be given and the
13 interpreter would give you in English the response?

14 A I'm sure that everyone knows when you have a
15 victim like that in a situation --

16 MR. SCHECTER: I'm objecting to what
17 everyone knows.

18 THE COURT: Sustained as to the term.

19 A I'm handling an interview in a difficult
20 situation. I have -- I have an upset --

21 MR. SCHECTER: Your Honor --

22 THE COURT: He is explaining his answer.

23 MR. SCHECTER: Your Honor, there is no
24 question.

25 THE COURT: You don't want to hear it?

1 Greene - People - Cross 817

2 MR. SCHECTER: No.

3 THE COURT: Sustained.

4 Q Now, detective, you prepared a DD5 for Liu
5 Jin Hao; am I correct?

6 A Would you repeat the name again? I'm sorry.

7 Q L-I-U, J-I-N, H-A-O.

8 A Yes.

9 Q And that DD5 was prepared sometime after she
10 was interviewed?

11 A Correct.

12 Q And you said you used an interpreter. I
13 believe it was Detective Leung?

14 A Right.

15 Q Do you know if he ever prepared any
16 paperwork?

17 A No, I don't think so.

18 Q Well, the only interview paperwork that was
19 prepared for that interview was yours?

20 A Should have been mine, yes.

21 Q That was a typewritten DD5?

22 A Yes.

23 Q And how many pages was that DD5?

24 A Which particular one are we talking about?

25 Q Of your interview with Liu Jin Hao.

1

Greene - People - Cross

818

2

A

It should have been three. It's only two

3

here.

4

Q

Am I correct in saying your DD5 was three

5

pages?

6

A

Yes.

7

Q

How many pages do you have with you?

8

A

Two.

9

Q

How many pages did you give the District

10

Attorney?

11

A

That's a question --

12

Q

Well --

13

A

I'm assuming I gave him three.

14

Q

Did you look through his file?

15

A

Today, no.

16

Q

Did he ever ask you about page 3?

17

A

He actually got -- someone in the District

18

Attorney's office took the file and photostated the

19

file. I'm pretty sure I gave three fives.

20

Q

Well, how many do you have with you today?

21

A

Two, two pages of three --

22

Q

Do you know when the District Attorney was

23

given that five to Xerox?

24

A

Months ago.

25

Q

When did you get the five back?

1 Greene - People - Cross 819

2 A Same particular day. I don't remember if I
3 checked. I don't think I checked that particular five,
4 no. When the papers were returned to me I don't think I
5 checked that particular five. I didn't count the pages.

6 Q And am I correct in saying as you sit here
7 you don't remember the exact wording of what was on that
8 DD5?

9 A No.

10 Q And you don't remember -- well, approximately
11 how many pages of paperwork have you prepared since
12 April of 1995 in all your cases?

13 A I couldn't give you a number.

14 Q Hundreds, thousands?

15 A Couldn't give you an estimate.

16 Q Okay. And you do not know whether that DD5
17 was completely filled or partially; am I correct?

18 A I don't remember, no, counselor.

19 Q But you don't have a copy of that DD5 with
20 you?

21 A In front of me, no.

22 Q And you don't have the notes that you used to
23 take that DD5 either?

24 A In front of me, no.

25 Q And you don't know where either the notes are

1 Greene - People - Redirect 820

2 or that DD5 is.

3 MR. KESSLER: Objection, asked and
4 answered.

5 THE COURT: Sustained.

6 Q Did you personally voucher any evidence in
7 this case?

8 A No.

9 Q Did you personally have any conversation with
10 my client Hai Zheng through a translator in this matter?

11 A No.

12 MR. SCHECTER: Can I see the two lineup
13 pictures? Can I see --

14 THE COURT: 5 and 6.

15 MR. SCHECTER: 5 and 6.

16 (Shown to counsel.)

17 MR. SCHECTER: I have nothing further.

18 THE COURT: Do you have any --

19 MR. KESSLER: Just a couple of
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. KESSLER:

23 Q Detective, the notes, if you did take any
24 that you took, would you have used them to type up the
25 fives you did type up in this case?

1 Greene - People - Redirect 821

2 A Yes.

3 Q So whatever was in the notes, would have been
4 in sum and substance what were --

5 MR. SCHECTER: Objection.

6 THE COURT: Sustained as to the form.

7 Q Did you take -- type up fives in connection
8 with this case?

9 A Yes.

10 Q Was those based on the sum and substance of
11 the conversations with the individuals you had?

12 MR. SCHECTER: Objection.

13 THE COURT: Sustained as to form.

14 Q And with regard to the page that's missing of
15 the DD5, you read the other two pages that you do have?

16 A Yes.

17 Q And during your interview with her would it
18 be fair to say the portion that's missing would be after
19 the portion where she told you about the abduction and
20 the rape?

21 MR. SCHECTER: Objection.

22 THE COURT: Sustained. It's leading,
23 suggestive.

24 Q Well, when you spoke to her -- without
25 obviously telling us what she said -- had she already

822

MR. SCHECTER: Objection, your Honor.

MR. KESSLER: Then I ask to approach.

THE COURT: Yes.

(Sidebar discussion off the record.)

Q Detective, when you went and spoke to the witness Mr. Schecter was talking about, did you, if you recall, type your DD5 in chronological order the way she was telling you?

A. Yes.

Q After reading the fives that you have that were typed, at what portion does your DD5s end? Do you understand my question?

MR. SCHECTER: Objection.

A Yes.

MR. SCHECTER: Objection, your Honor,
to a -- it's a document that's not evidence.
It would be bolstering his testimony.

THE COURT: Sustained.

Q Could you tell us, without telling us exactly what she said, what portions of your interview with her did you record in the DD5 that you have?

MR. SCHECTER: Objection.

1 Greene - People - Redirect 823

2 THE COURT: Sustained as to the form.

3 You mean percentage wise?

4 Q Well, had you spoke to her how about this --
5 had you spoke to her about the events on March 31st that
6 day?

7 A Yes.

8 Q Did you have that portion typed up in your
9 DD5?

10 A Yes.

11 MR. SCHECTER: Objection.

12 THE COURT: Sustained.

13 Q April 1st, that day, did you speak to her
14 about the events that took place on April 1st?

15 A Yes,

16 Q Is that portion typed up in the DD5?

17 A Yes.

18 MR. SCHECTER: Objection.

19 THE COURT: Overruled.

20 Q Did you talk to her about the 12 o'clock --
21 going into the 2nd now -- that period of time, 12:00,
22 12:05, going now from the 1st into the 2nd officially --

23 A Yes.

24 Q Okay. Is that initial portion in your DD5?

25 A Yes.

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Proceedings 824

MR. SCHECTER: Objection, your Honor.

THE COURT: Overruled.

MR. KESSLER: I have nothing further.

THE COURT: Do you have any anything
else, Mr. Schechter?

MR. SCHECTER: No, but I would ask if I
can go on the record outside the presence of
the jury.

THE COURT: Yes. You want to do that
now? All right. You want to step outside.

Are you finished with this witness,
both?

MR. KESSLER: Yes.

MR. SCHECTER: Yes.

THE COURT: You can step out.

(The witness left the courtroom.)

THE COURT: You want to do it now,
Mr. Schechter?

MR. SCHECTER: Yes, your Honor.

THE COURT: Would the court reporter
please step over here.

(The following proceeding occurred at
sidebar.)

MR. SCHECTER: I just want that marked

1 Ng - People - Direct 825

2 as Court Exhibit 1. I will deal --

3 THE COURT: I intended to do that.

4 MR. KESSLER: That's no problem. I
5 intended to do that.

6 MR. SCHECTER: Then I will deal with
7 sanctions at the appropriate time.

8 THE COURT: Yes.

9 (The following occurred in open court.)

10 THE COURT: Call your next witness.

11 MR. KESSLER: People call Detective Ng.

12 K E I T H N G, Detective, a witness called on
13 behalf of the People, after having been
14 first duly sworn and having stated his
15 shield number as 4280 and his command as
16 the Queens Robbery Squad New York City
17 Police Department, took the witness stand
18 and testified as follows:

19 THE COURT: You may inquire.

20 DIRECT EXAMINATION

21 BY MR. KESSLER:

22 Q Detective Ng, how long have you worked for
23 the New York City Police Department?

24 A This July 15 going to be ten years.

25 Q And presently what is your assignment?

1 Ng - People - Direct 826

2 A I'm assigned to Queens Robbery Squad, Asian
3 Crime Investigation Team.

4 Q Beginning on -- actually, other than English,
5 do you speak any other language fluently?

6 A Yes. I'm Chinese. I'm native Chinese.

7 Q What is your native Chinese tongue?

8 A I speak Cantonese, Mandarin, and Taison,
9 T-A-I-S-O-N.

10 Q Can you speak all of those dialects fluently?

11 A Yes.

12 Q On April 1, 1995 were you assigned to an
13 investigation with the Major Case Division?

14 A Yeah. Yes, I assist in the Major Case Squad
15 for investigation.

16 Q Did there come a time during your
17 investigation that you were in the home of a woman named
18 Emily Liu?

19 A Yes.

20 Q At the time that you were in Miss Liu's home,
21 could you tell us during that period of time did there
22 come a point in time that you were using her phone?

23 A Yes, I -- yes, I did.

24 Q Okay. And what steps were taken with her
25 phone and what did you do exactly while you were there

Ng - People - Direct

827

1
2 with the phone?

3 A My duty on to Emily Liu's apartment was to
4 monitor the phone and make sure all the incoming calls
5 from the outside from the perpetrator or kidnapper --

6 MR. SCHECTER: Objection to the term
7 "kidnapper."

8 THE COURT: Sustained.

9 A From the outside every call come out monitor.
10 I monitor phone, make sure all the information that we
11 know. And if there was new development we call outside
12 units, notify headquarters, notify outside units from
13 radio and from landlord to make sure everybody know what
14 is going on in the apartment.

15 Q When you say monitoring the phone calls, did
16 you actually listen into the phone calls?

17 A Yes. Every phone call come in, Emily Liu
18 pick up the phone. And at the same time I pick up the
19 phone. There was two phones in the apartment with the
20 same number, same line. I pick up the phone, monitor
21 all the phone conversation.

22 Q During the time you were monitoring,
23 listening into the phone conversations, did there come a
24 period of time during the phone conversation you became
25 aware somebody was being held for ransom?

1 Ng - People - Direct

828

2 A Yes.

3 Q Could you tell the members of the jury about
4 how many phone conversations did you monitor, what
5 happened regarding that particular incident about money?

6 A Well, there was about ten phone calls,
7 approximately ten, ten calls to the location.

8 Q Were you listening on those ten phone calls?

9 A Yes, I did.

10 Q And could you tell us -- without exactly
11 telling us what was said, could you tell us in sum and
12 substance what the person on the other end said?

13 A Yes.

14 MR. SCHECTER: Objection to --

15 THE COURT: I'm sorry?

16 MR. SCHECTER: Objection to in sum and
17 substance, your Honor. If he wants to say
18 exactly what was said, fine.

19 THE COURT: To the best of his
20 recollection.

21 Q I'm asking obviously -- do you remember word
22 for word what every person said verbatim?

23 A Well, I recall about what the majority, what
24 happened with the phone calls.

25 Q My question is simply in sum and substance

1 Ng - People - Direct

829

2 what was said over the line that you heard, and can you
3 tell us also in what language was spoken?

4 A Well, the caller was speaking Mandarin
5 dialect.

6 Q Was it male or female?

7 A Male call. Male Chinese.

8 Q Could you tell us what this male
9 Mandarin-speaking person said in sum and substance?

10 A Well, he called --

11 MR. SCHECTER: Objection, your Honor.

12 THE COURT: Overruled.

13 A He call up the apartment, and Emily Liu was
14 picking up the phone. They had a conversation with each
15 other. And the male Chinese caller and the -- and Emily
16 Liu had a conversation over the phone. I was monitoring
17 the phone on the end. The conversation of the male
18 Chinese caller asked for originally was at \$15,000 for
19 each person for release. And --

20 Q Then what happened?

21 A Then what happened go negotiations. The
22 price were dropped down to \$7,500 for each person. And
23 they asked the family, get the money ready. Put in the
24 shopping bag. Put all the money, cash in the Chinese
25 tea can. Buy some -- buy some vegetable and/or mix, up

1 Ng - People - Direct 830

2 the grocery. Deliver the shopping bag to 217 Henry
3 Street.

4 Q Now, Detective Ng, did there come a time on
5 April 2, 1995 that you went to 1 Police Plaza?

6 A Yes.

7 Q And on April 2, 1995 I'm going to direct your
8 attention to about 6:15 in the morning. Were you at 1
9 Police Plaza at approximately that time?

10 A Yes, I did. I was there.

11 Q And at about 6:15 in the morning on April 2,
12 1995 did you speak to anyone in person?

13 A Yes.

14 Q Do you recall who you spoke to?

15 A I speak to Hai Guang Zheng.

16 Q Do you see him in the courtroom today?

17 A Yes. He is on the right-hand side with blue,
18 green, white, striped shirt.

19 THE COURT: Indicating the defendant.

20 Q Now, prior to speaking to Mr. Hai Guang
21 Zheng, did you advise him of anything?

22 A Yes.

23 Q What did you advise him of?

24 A I advise him of his rights in Chinese,
25 English -- Chinese and English.

Ng - People - Direct

831

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Q Would you say that again? You advised him of something in Chinese and English?

A I advised him of rights, Miranda rights, in English and Chinese.

Q Did you use a particular form to do that?

A Yes, I did.

Q And did you sign that form?

A Yes, I did.

Q Did Mr. Hai Zheng sign that form?

A Yes. He got a chance to read it and sign it.

Q And is the form written in the Chinese language as well as the English?

A Yes, in both.

Q After you had advised him of his rights in Mandarin and Chinese, what did you say to him and what did he say to you, initially?

A Initially I asked him, tell me what happened in the verbally. Then he told me what happened, the whole incident.

Q The first time he told you verbally what happened, did you write any notes down?

A No, I just listened.

Q Did he then tell you again?

A And then after I listened to the story, then

1 Ng - People - Direct 833

2 and D, and ask if you recognize what that is?

3 A Yes.

4 Q And what is that?

5 A Those original, the Miranda warning form I
6 was to read to Mr. Hai Guang Zheng. And there was a
7 statement in my handwriting from Hai Guang Zheng on the
8 April 2, 1995.

9 Q You said that was the original?

10 A Yes, that's correct.

11 Q And do you recognize your signature on there?

12 A Yes.

13 Q And were you present when Mr. Zheng signed it
14 as well?

15 A Yes.

16 Q And does his signature appear on there as
17 well?

18 A Yes.

19 Q Is that form, those forms, in the same or
20 substantially the same condition now as they were at the
21 time you interviewed Mr. Zheng on April 2, 1995?

22 A Yes, I did.

23 MR. KESSLER: I ask they be admitted
24 into evidence.

25 (Shown to defense counsel.)

1 Ng - People - Voir Dire/Defendant 834

2 MR. SCHECTER: Can I have just have a
3 minute.

4 (Pause in the proceeding.)

5 MR. SCHECTER: May I have a brief voir
6 dire?

7 THE COURT: Yes.

8 VOIR DIRE BY

9 MR. SCHECTER:

10 Q Detective Ng, B, C, and D, are they in
11 English or Chinese?

12 A English. It's English.

13 Q Did my client read the statements prior to
14 signing them?

15 MR. KESSLER: Objection.

16 THE COURT: Sustained. That's not part
17 of the voir dire.

18 Q Do you know if Mr. Hai Zheng spoke or was
19 able to read English?

20 MR. KESSLER: Objection to the form of
21 the question. Beyond the scope of voir dire.

22 THE COURT: Sustained. Since there is
23 no objection --

24 MR. SCHECTER: No, I'm objecting.

25 THE COURT: It's overruled.

1 Ng - People - Direct 835

2 (People's Exhibit 12-A, B, C, D marked
3 in evidence.)

4 DIRECT EXAMINATION

5 BY MR. KESSLER:

6 MR. KESSLER: You can show the witness
7 A, B, C, and D for one moment. Thank you.
8 (Shown to witness.)

9 Q Detective, did you note the date and the time
10 you initially began speaking to Mr. Hai Zheng on the
11 document?

12 A It's about quarter after 6:00 a.m. on April
13 2, 1995.

14 Q Now, you indicated that he initially spoke to
15 you. You didn't take any notes, but then started
16 writing as he told you. How long did this take, that he
17 was telling you and you were writing down the statement,
18 approximately?

19 A Approximately what, just initial one?

20 Q The whole thing, the whole time you were
21 speaking to him about.

22 A I would say about 35 minutes or 45 minutes,
23 about 30 minutes.

24 Q Did he appear during that period of time to
25 be intoxicated?

1 Ng - People - Direct

836

2 A No.

3 Q Under the influence of any narcotics?

4 A No.

5 Q Did he appear scared or fearful of you in any
6 way?

7 MR. SCHECTER: Objection.

8 THE COURT: Sustained.

9 Q Would you define him as being cooperative or
10 uncooperative?

11 A Oh, he is cooperative.

12 MR. SCHECTER: Objection.

13 THE COURT: Overruled.

14 MR. SCHECTER: I didn't hear --

15 THE COURT: He was cooperative.

16 Q During the portion as you were writing down
17 things, did you ever cross out anything and change
18 anything during the statement?

19 A Yes, some kind mistake I -- some kind -- my
20 own writing I cross or something. I wasn't sure what he
21 say, and then we ask him again. Then I write down the
22 paper, transfer the paper.

23 Q So if he said something and you wrote it down
24 wrong, what would you do?

25 A What? Excuse me?

1 Ng - People - Direct 837

2 Q He said something. You wrote it down wrong.
3 What would you do, is my question?

4 MR. SCHECTER: Objection.

5 A I change, correct it. And he initial it. I
6 initial it. It's stapled.

7 THE COURT: Overruled.

8 Q Each of the pages, did you sign each of the
9 pages?

10 A Excuse me?

11 Q Did you sign each of the pages of the
12 statement?

13 A Yes.

14 Q Did he sign each of the pages of the
15 statement?

16 A Yes.

17 Q Did you see him sign each of the pages of the
18 statement?

19 A Yes.

20 Q During the time that you were interviewing
21 him about the statement, did you ask him how old he was,
22 his date of birth?

23 A Yes.

24 Q Do you recall how old, what year or date he
25 told you he was born?

1 Ng - People - Direct 838

2 A I can refresh my recollection.

3 MR. KESSLER: Request permission --

4 MR. SCHECTER: Your Honor, I would ask
5 him to say what he is using.

6 THE COURT: What are you using?

7 A I use statement. I use 12-B, the statement.
8 He give me a date of birth 3/26/68. At that time that
9 make him --

10 THE COURT: We need a mathematician.

11 Q Could you tell us -- just tell me what his
12 date of birth was.

13 A March 26th. That make him 27.

14 Q Okay.

15 A That's - excuse me.

16 Q Now, I guess one last question.

17 Detective, when you were writing down the
18 statement, did you write down the statement when he was
19 completely finished from beginning to end, or did you
20 write down sentence by sentence as he was telling it to
21 you?

22 MR. SCHECTER: Objection, your Honor.
23 Compound question.

24 THE COURT: Overruled.

25 A When I write the statement, as I said before,

1 Ng - People - Direct 839

2 I listen to what he told me happened first. In the
3 statement when I start writing and I remember what he
4 say, then I start writing. When halfway or any question
5 come up, I ask him again. He told me then. I keep
6 continue the statement. So everything come up as
7 problem or question, then I ask him what happened. Then
8 he told me what happened. Then I keep going on and I
9 finish the statement.

10 MR. KESSLER: I think I'm done. Just
11 two questions.

12 Q Did he admit to you in the statement anywhere
13 he had raped the women?

14 A Excuse me?

15 Q Did he admit to you in the statement that he
16 had raped the women?

17 A Oh, I ask the question. But he say, no, he
18 had no sexual intercourse with the victim.

19 Q Did he admit to you in the statement he had
20 kidnapped the women?

21 A Yes.

22 MR. SCHECTER: Objection, your Honor.

23 THE COURT: Sustained. The statement
24 speaks for itself.

25 MR. KESSLER: I have nothing further.

1 Ng - People - Cross 840

2 THE COURT: You can cross examine.

3 CROSS EXAMINATION

4 BY MR. SCHECTER:

5 Q Do you have your memo book with you?

6 A My memo book?

7 Q Yes.

8 A No, I thought I make copy of the memo book.

9 MR. KESSLER: Actually I have a copy.

10 MR. SCHECTER: I have -- may I have a
11 moment. I never seen this before.

12 THE COURT: How much time do you need?

13 A few minutes?

14 MR. SCHECTER: Two minutes.

15 THE COURT: That's two.

16 MR. KESSLER: If I can point to defense
17 counsel where it is (indicating).

18 (Pause in the proceedings.)

19 THE COURT: Okay.

20 Q Detective, let me ask you. Beside for these
21 four pages that you introduced in evidence, did you take
22 any other notes, memorandum, or prepare any other
23 paperwork in connection with this case?

24 A Excuse me? Regarding your clients or --

25 Q From the time you first came into this case

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on April 2nd, and whenever you signed off that day, did

3

you take any other notes, memorandum, or prepare any DD5

4

or other police reports in connection with this matter?

5

A Like I say, it's so wide question. Are you

6

talking about your client, regarding your clients, or

7

defendant Qin or someone else?

8

Q Concerning this case.

9

A Concerning this case, DD5, is a combination

10

question. I didn't do one DD5.

11

Q You didn't prepare any DD5?

12

A No.

13

Q Okay. Not that hard of a question.

14

A You said lot of people --

15

THE COURT: Save your comments.

16

A It's paperwork.

17

THE COURT: Please.

18

Q Now, what time were you first -- were you

19

working on April 1st?

20

A Excuse me?

21

Q Were you working on April 1st? Is that your

22

regular tour of duty?

23

A It's my RDO, my regular day off, I'm sorry.

24

Q You said you ended up being called in that

25

day?

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A Yes.

3

Q Did you mark that in your memo book you were

4

called in that day?

5

A I didn't, because I put down RDO.

6

Q Now, do you remember what time you were

7

called to come into work that day?

8

A If I remember correctly, approximately about

9

5:00 p.m. on April 1, 1995.

10

Q All right. And do you remember who called

11

you?

12

A Yes.

13

Q Who called you?

14

A It's Sergeant Hines from Major Case Squad.

15

Q And did he tell you at that time over the

16

phone what the case was about?

17

A A little bit briefly. We need you to come

18

in.

19

Q And did he tell you where to go?

20

A Yes.

21

Q Did he tell you, go to 1 Police Plaza?

22

A Yes, correct.

23

Q Okay. And do you remember what time you got

24

down to 1 Police Plaza?

25

A Oh, exactly what time I cannot recall. I

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2 could say it's approximately about 5:30 or 5:45.

3 Q How long were you at 1 Police Plaza?

4 A I was -- well, it's very short. I was there
5 only about twenty minute to half hour, so.

6 Q And at that time were you then told what the
7 police knew about this incident at that time?

8 A We had little debriefing, yes. Just a little
9 bit, not much.

10 Q And did you speak to any civilians at that
11 time who were involved in this matter?

12 A Yes, I did.

13 Q Who did you speak to?

14 A I talked to the male. It be exactly, I have
15 no recollection. I know by face the victim.

16 Q Would it be Liu Guo Bang you spoke to?

17 A Could be him, Mr. Liu.

18 Q And did you make any notations or notes about
19 what your conversation with him was?

20 A No, not that I remember.

21 Q Were you speaking to him and asking him
22 questions, or were you acting as an interpreter?

23 A Well, I'm a detective. I not just a
24 translator. I too a detective too.

25 Q Well, let me -- at times have you been used

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1
2 because of your Chinese background as an interpreter for
3 another detective to speak to a Chinese client?

4 A No. If I myself interesting see what
5 happens, I find out what is going on, on the native
6 language. I spoke to Mr. Liu.

7 Q In other words, when you spoke to Mr. Liu you
8 were not -- another detective was not speaking to him
9 asking him questions, and you were not translating?

10 A Well, it's like on off. Sometimes a new
11 question asked about, or some inquiry, I do translate
12 for him a little bit.

13 Q I'm talking about this particular case.

14 A Yes, I'm talking about this case. When some
15 people come up with some question -- well, how about
16 some question -- and ask Mr. Liu, and I translate for
17 him on and off.

18 Q Do you remember what police officers or
19 detectives asked you to translate?

20 A Counsel, this was lot of people out there. I
21 cannot remember exactly what is --

22 Q Well, the last witness, Detective Michael
23 Greene, did he ever ask you to translate on April 1st?

24 A Yes, I did. He did. Like he is a detective
25 assigned to the case. Some question I ask, he is one of

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2 the detectives who asked a question.

3 Q So in other words, he was there interviewing
4 Mr. Liu and then he asked you at times to translate?

5 A Yes.

6 MR. KESSLER: Objection.

7 THE COURT: What is the objection?

8 MR. KESSLER: The witness has indicated
9 he said he may have. I don't think it was a
10 specific fact.

11 MR. SCHECTER: Well, I'm going into
12 that, your Honor. I believe I'm entitled to.

13 THE COURT: Overruled. Go ahead.

14 MR. SCHECTER: Okay.

15 Q And so Detective Greene, you translated for
16 Detective Greene when -- a little bit when he was
17 talking to Mr. Liu?

18 A Yes, on and off. Like I said a few, few
19 questions, or one or two. Like --

20 Q Okay.

21 A Like I say, a lot of people out there so.

22 Q And other detectives may have, may have used
23 you as an interpreter for Mr. Liu?

24 A Yes, as long as Chinese detective available.
25 But sometimes they use me; sometimes they use other

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2 detective.

3 Q Did you ever ask Mr. Liu for a description of
4 the two individuals?

5 A Yeah. He give me briefly, yes.

6 Q What description did he give to you?

7 MR. KESSLER: Judge, I object. I ask to
8 approach.

9 (Sidebar discussion off the record.)

10 THE COURT: Objection is overruled.

11 Q Now, what description did Mr. Liu give you of
12 the two individuals on April 1st?

13 A If I remember correctly, he gave me like a
14 male Chinese, Fukinese, Foo Chow people.

15 Q Did you ask him for a height and weight
16 description of the two individuals?

17 A No, I cannot remember exactly correctly.

18 Q You may have, but you never marked it down?

19 A No, I don't mark. No, I didn't.

20 Q Do you know if anyone else was present
21 writing down when you were asked --

22 MR. KESSLER: Objection.

23 THE COURT: Sustained.

24 Q Now, from there you said you went to a
25 different location?